"A" Collection

App. F. IX-4

1939. (Legs)

File No. 7

Serial Nos.

Previous References
A&G. 123-36 (8-12)
A&G. 123-36 (13,14)

Letter References

(256)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

Part B for June 1939

SUBJECT.

Act No. XVI of 1939.
An Act to provide for the establishment ... the better regulation of Agricultural Produce Markets in Bengal.

Notification no. P209/Legs 7-39-1. dt 12-7-39

WD 0295—GPB—22,500—13-8-37

Mirza Nazeer Hussain
30/8/39

Serial No.

1

Dir. Ag.'s letter dated 22/5/36 reporting a town in the Cotton area

1) Subo for perusal. The proposal made at the end to form a committee may perhaps be approved. The Director of Ag may also be on the Committee perhaps

Sd 25/5

Second member

Thro' Dev Secy

25-8-36

2) I understand that the Dharwar cotton has deteriorated so badly that Messrs Binny & Co seriously thought of removing their ginning mill. They have not done so because they are hoping that H. 190 would soon become popular in that area.

3) This cotton has been tried in the Mills for over three seasons and the spinners are very enthusiastic about its length of staple and wearing qualities. Both Messrs Batchelor & Bullock have formed a very high opinion of this cotton and want that it should be produced more and more in the area. I have urged this with whom the Dy Ag Mills than me

WD 03594—GPB—30,000—13-7-35

Report of the Dir of Agriculture re,
Cotton cultivation in the State

File No. 526 of 193 — General and Revenue Secretariat

4) If I may make a suggestion I would suggest that Mr Rassmore may also be on the committee

Secretariat

Mr. 26.5.36.

Ley 27.5.36

5) Secy

28/5/36 MW 28.5.36

Ley. 28.5.

6) Dft/Subd for consideration.

7) Typed draft

Ley. 6.6.36.

Subd with a typed draft

8/6/36 8) Secy Ley 10.6.36.

10) Fair copy put up

12/6/36

Secy

11) MW 14.6.36

15/6/36

Second Member)

11) I think this would be too big a committee. It is

Dewan)

OFFICE OF THE SECOND MEMBER OF COUNCIL. 27 MAY 1936 No 1247

OFFICE OF THE SECOND MEMBER OF COUNCIL. 16 JUNE 1936 No 9766

DEWAN'S OFFICE 17 JUNE 1936 No 7755

Cotton cultivation the State — Report
Dir of Agric.

3

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

letter that the questions are further investigated by the Director himself with the help of his Officers and in consultation with the D.C. Chittoor and formulate tentative proposals are formulated both as regards the varieties of cotton that may be popularised and the possibility of passing a cotton Transport Regn.

Mrs
17/6/36.

12) Mr
17-6-36

13) Draft accordingly Mrs
1 8/6
18/6/36

14) Dft put up for consideration.
1
18/6/36

15) For approval.
22/6/36

16 Mrs
27/6

17) Mr
27/6/36

2 To Nandyal Collr
Mr D. 7924 & 29-6-36
Requests him to investigate further with Russell the and his Officers in consultation with the D.C. Chitty to formulate tentative proposals on the question.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 18 JUNE 1936 NO.

22 JUNE 1936

TYPING SECTION. 2 JUN. 1936 REV. SECTT.

3 JULY 1936 DEVELOPMENT BRANCH

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

9 Cotton cultivation in the State

502
1886
GH12

AF/6 File No. 275 of 1937

General and Revenue Secretariat

From The Dir. of Agri

No. Roc 652-Hc 211/36-37 d 13/2/37

Forwards a copy of the minutes of RR the informal meeting held on 9/11/36 at the instance of the D.C. Shimoga re cotton cultivation & promises a further report in due course.

18. Subo for perusal with refce to paras 11 & 12 above.

HHD 19/2 Dir. promises to send a further report in due course

6/3/37

Dom 8/3 V Rev Secy 8.3.37

GENERAL SECT. 8 MAR 1937

V The further report is awaited.

Sus A. 9/3/37

WG 9/3

WG 9.3.37

22 reminder

Draft / submd

HHD 9/9/37

Issued No. D 2218 d 10/9/37 Reminder issued

From The Dir. of Agri. 3

No. Roc 652-Hc 211/36-37 d 9/12/37

submits a note on the need for cotton legislation in the State for the consideration of Govt.

23 Subo with refce to para 11 above.

Cotton cultivation in the State

3188

General and Revenue Secretariat | File No. 275 of 193 5. | [App. F. III—2

Serial No.

The note sent by the Dir. of Agri. explains the present position of cotton cultivation & marketing in the State as also the need for undertaking legislation here on the lines in the Bombay presidency & Hyderabad. Subject for orders. It is for consideration if the note may be referred to the Committee of the Bd constituted in G.O. d 25/6/37 (A & I 123-36-10) for considering the question of the improvement of Cotton, Groundnut & Tobacco cultivation in the State.

17/12/37

6/1/38. 2. The committee was appointed in June last for considering not only improvement of Cotton but also tobacco and groundnut cultivation. Information is not available if the Committee has met at all so far.

3. Legislation on the lines indicated by the Dir. of Agri. seems urgent for improvement of the quality of Cotton grown and ginned in the State, to improve the market, and to make it more remunerative for the Cotton grower.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

8 Cotton legislation 3188

File No. 275 of 1937 General and Revenue Secretariat

recent meeting of the Cotton Spinners and growers in the Madras Presidency, has resolved that growth of cotton of less than a staple of 1" should be totally prohibited in the Presidency, and a recommendation has been made for legislation to that effect to the Provincial Govt. Giving this question to the Ad Hoc Committee will mean delay as time will be necessary for the Committee to discuss and arrive at conclusions, which will have to be placed thereafter before the Board of Ind. & Com.; and final recommendations will have to be sent after that by the Bd. of Ind. & Com. for consideration of Govt.

V.S. 7.1.38

(Dewey)

3483/37

26 This was discussed at the meeting held on the 11th inst. at the Dept. with the Board and the Municipal Council & it was decided that steps might be taken to introduce legislation after R.A. session has ended & after the bill has been duly considered by the

Cotton Legislation

General and Revenue Secretariat

File No. 275 of 1935. [App. F. 111—9

Serial No.

for being placed before an early meeting of the Standing Cotton Committee - since the views contained

Secretariat

12.1.38

116/12/1

28 We may also be requested to have a draft report prepared to be placed at the next meeting -

New 13/1/38.

15.1.38

116/15.1.38

U.O. No. 218 J 37-38 Dy 21.1.38.

29 forwarded unofficially with Compliments to the Director of Industries & Commerce for favour of needful with reference to paras 27 & 28 above

By order

15.1.38

for Secretary to Govt

Hlth & D.C.V. Dept.

15/1/38.

U.O. No 34-37/38 22.1.38

(PTO)

NOTE—Contn. Sheet.

12 JAN. 1938 No. 5028

WD 0284—GPB—30,000—18-3-37

Improvement in the cultivation and marketing of commercial crops in the Chitaldrug District.

File No. 275 of 193 5 | General and Revenue Secretariat

Returned with compliments:

30) 1) 30 The Committee constituted in Government Order No.D.8774-84/A & E.123-36-10 dated 24/25th June '37 in pursuance of Mr.D.H.Chendrasekhariah's resolution adopted at the Session of the Legislative Council (Jan.1937) considered in detail the problems of the cultivation and marketing of Cotton, Groundnut and Tobacco in the Chitaldrug District at its meetings held on the 25th September 1937 and 16th March 1938.

2) 31 A note on the subject circulated to the members of the Committee and copies of the proceedings of the meetings are submitted hereiwht for the information of Government.

3) 32 It will be seen therefrom that the Committee is of the opinion that in order to secure better cultivation and marketing of agricultural produce, more particularly Cotton, Groundnut and Tobacco in the Chitaldrug District in the State, legislation is urgently called for.

4) 33 The Committee considered the following three Bills framed for the purpose:

(1) The Mysore Agricultural Markets Bill,
(2) Cotton Cultivation Control Bill and
(3) Cotton Transport Control Bill.

The first draft bill was framed by this Department and the other bills by the Department of Agriculture. The Committee recommended for adoption the first two bills and in regard to the third bill namely, Cotton Transport Control Act, the Committee was of the opinion that a few suitable provisions of this bill may be incorporated in the proposed "Cotton Cultivation Control Act" with a view to restrict the transport of "Bokda" and other varieties of inferior cotton and

(Cont:)

Serial No.

and that a separate act was not necessary for this purpose as it was likely to cause unnecessary hardship to growers and dealers alike.

5) 34 The Committee also recommended the starting of three or more Co-operative Seed Growers' Associations on the model of the Mardihalli Co-operative Society for purposes of distribution of adequate quantity of pure seeds of improved varieties of cotton.

6) 35 The recommendations of the Sub Committee were placed before the Board of Industries and Commerce at its meeting held on the 17th March '38. The Board approved of the recommendations and resolved to submit these for the favourable consideration of Government. I submit herewith for the information of Government the above mentioned draft bills and a copy of the proceedings of the meeting of the Board of Industries and Commerce.

Flags 1·1·5

7) 36 The Board have also recommended that these bills may be placed before the next session of the Representative Assembly for consideration if Government approve of the same.

8) 37 In order to enalrge the scope of the proposed "Cotton Cultivation Control Act" by including important provisions of the "Cotton Transport Control Act" as recommended by the Committee referred to above, the Director of Agriculture may kindly be addressed in the matter as also for conducting experiments in groundnut and tobacco cultivation as resolved by the Committee at its meeting held on the 16th March 1938.

NOTE—Contn. sheet

Improvement in the cultivation and marketing of Commercial Crops in the Chitaldrug District.

File No.275 of 1935.

I may add, in conclusion, that similar legislative enactments are already in force in the British Indian Provinces of Bombay, Central Provinces and Berar and Madras and in the Hyderabad State and such legislation as indicated above appears to be urgently called for with a view to improve the cultivation and marketing of cotton and other commercial crops in the State. I therefore recommend that early action may kindly be taken regarding the above recommendations of the Committee. Since the work referred to the Special Committee has been completed, the Committee may now be treated as dissolved.

27/4/38

Director of Industries and Commerce in Mysore.

Bangalore,
21st April '38.

GEN. & REVENUE SECRETARIAT. DEVELOPMENT BRANCH.

Subs. If appd, the Bill may be pt. scrutinised in the Legislative Branch

27/4/38.

Dev. Secy.

Agricultural markets Bill

Can this may perhaps be "Agricultural Produce markets" Bill

Power to establish markets under section 4 ought to include.

gislation for the improvement in the cultivation and marketing of Commercial Crops. 11

General and Revenue Secretariat | File No. 275 of 193 5 | [App. F. III—2

Serial No.

OFFICE
SECOND MEMBER
19 MAY 1938
No. 8200

power to cancel such notification & also power to vary the limits of the area

ss 62) The Rules & Byelaws may perhaps come in the end.

43 Cotton Transport Act :- In the preamble "British India" may be changed to "Anywhere" & other necessary corrections are made in the Bill

44 Cotton Control Act

Necessary corrections are made in the Bill

Subd. for orders

45 There seem to be two orders & may perhaps be incorporated in the latter

11.5

6059
12.5.38

46 For orders as to whether this may involve fuller examination of Broadcasting Bureau services.

Secretary

47 Agd
19/5/38

NW. 19.5.38 WS/1015

NW 19.5.38 WS/2015

NOTE—Contn. Sheet.

WD.0264—GPB—30,000—13-8-37

12 Improvement in the cultivation and marketing of commercial crops

3197

A76 File No. 275 of 1935. General and Revenue Secretariat

48 The bill to provide for the improvement of agricultural marketing may be applied. This is Council matter. Legislation may be framed by circulation if applied

Dewan

MW 26.5.38 CS 26/5

49 MD 26-5-38

50 Chairman may

MW 27.5.38 CS 27/5

51 CB) Circulate

LTM 26/5

DEWAN'S OFFICE 26 MAY 1938 No. 8177

For Disposal by Circulation. No. C. 527

.....1937-38

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill to provide for the Establishment and the better Regulation of Agricultural Markets in Mysore State.

52

Circulated to the Members of Council.

By Order,

(T R Narasimhan)

30th May 1938. Offg. *Chief Secretary to Government.*

First Member of Council. 53 SN 31/5

54 For favour of final Note.

Second Member) TM 2.6.

Second Member of Council. (Seen)

Agricultural Markets Bill-

3188

General and Revenue Secretariat — A & E File No. 275 of 1938 — [App. F. III–2

Serial No.

55

Subd with a D.F.N.

2/6/38.

2/6

Dep. Secy.)

56 D.F.N. may be submitted

5.6

8/6

Subd with a revised D.F.N. & a Statement of general principles of the bill as also 9/6/38. of objects & reasons for consideration

9.6

Dep. Secy.)

57 May be put up in the beginning of July

12.6

58 A draft order may be put up expressing general agreement with the conclusions of the committee and reproducing the draft bill as an annexure. D.F.N. to be suitably revised

19/6/38.

59

Subd with draft G.O. & F.N.

30/6/38

60 Dep. Secy.)

OFFICE OF THE SECOND MEMBER OF COUNCIL, 20 JUNE 1938 No. 9.6.30

NOTE—Contn. Sheet.

15 Agr. Markets Bill
3188-37

AB File No. 275 of 193 5

General and Revenue Secretariat

Serial No.

6/1 G.O. D7.IV & the general principle the
grading, size, and marking of eggs
Secretary

SECOND MEMBER OF COUNCIL
27 AUG. 1938
No. 1395

27.8.38.

6v 7. N. signed by Member.

27.8.

DEWAN'S OFFICE
7 SEPT. 1938
No. 1775

CB 5/9/38
L3 Dewan's

1.9.38.

5.9.

Final Note by the Second Member of Council.

Subject.—

Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore State.

63 In pursuance of a resolution moved by a non-official member in the Legislative Council and accepted by Government in January 1937, a Sub Committee of the Board of Industries and Commerce was appointed for the purpose of studying problems relating to cotton groundnut and tobacco and suggesting ways and means of improving the cultivation and marketing of these crops.

64 The recommendations of this Committee, which are endorsed by the Board of Industries and Commerce, are of a practical character and it is proposed to issue orders accepting these recommendations.

65 One of the proposals relates to the establishment and better regulation of agricultural markets in the State. A Bill has been prepared for this purpose on the lines of a draft furnished by the Agricultural Marketing Adviser to the Government of India. It is proposed to establish regulated markets for cotton at Chitaldrug and Davangere, in the first instance. But the proposed legislation is wide enough in its scope to admit of similar action being taken with regard to other crops also if necessary later on. Subject to the rules framed by Government, the management of a regulated market will be under the control of a Market Committee and the opening of private markets is prohibited except with the sanction of Government.

66 The draft Bill, together with a statement of general principles is kept below. The Dewan and the First Member of Council agree to the proposed legislation. I solicit His Highness' gracious sanction to the general principles of the bill being placed before the Representative Assembly and the Bill itself being introduced in the Legislative Council in due course.

Bangalore,
3rd September 1938.

MEMBER OF COUNCIL

Submitted to His Highness.

64 *I submit herewith a Final Note by the* Second *Member of Council on the subject of* Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore State *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Bangalore,
7th September 1938.

18

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore State.

12-

No. 17

65

Order.

~~KRW~~
12/9/38

10

13.9.38

General and Revenue Secretariat.

3147/37 C 527 19

SUBJECT:—

Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore State

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(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

67 Circulated to Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

68 ~~Development~~ Department.

13.9.38

FIRST MEMBER OF COUNCIL.

14/9

2917/1419

1929/13.9.38

SECOND MEMBER OF COUNCIL.

13/9/38

To Dev. Secy. with Compliments

15.9.38

15.9.38

72 The C.O. may issue a copy for info to Rly. Dept. as suggested by Secy.

16.9.

NOTE.—Contn. sheet.

WD 1467—GPB—500—23-2-38

1942 p.138 3188/D

General and Revenue Secretariat | A+E File No. 275 of 1935. | [App. F. III–2

Serial No.

4 D 2038-50/ dt 20-9-38 To Dir. of Agri.
Dir. of Ind.
D.C. Kurnool
etc

Approves of the proposal to introduce necessary legislation for the regulation & control of regulated markets for Agricultural produce and requests the Dir. of Agri to submit detailed proposals for supply of cotton seed and extension of the cultivation of tobacco.

5. Subo. A copy has been sent to the Publicity Officer. If approved, this may be sent to the protection Br. for further necessary action

Hdd 21/9/38.

Secy by Dep. Secy.

165 21-9-38

Under Secy. Indus Br. etc. } by 21-9

74 Dir Ex. of genl. principles has already been sent to R.A Officer.

75 Subo for orders as to the officers to be in charge of the Rural units in the R.A

Under s.o. the Secy of the Town Bn has been in charge but this may have to be changed in the Note-Cont. Sheet.

See 21/9 Town

Dep Secy. ifg 21/9

hdd 22-9. P.A to Dep Secy

27 Agr Marketing Bill. 1938

3188-37

File No. 2-75 of 1935

General and Revenue Secretariat

Serial No.

76) Subd. The general principals of the bill have been accepted by the R.A. This may now be sent to the Prst Br for further action, if appd.

Hdtt 30/9/38.

HG 1-10-38

Dep Secy) MW. 2.10.38.

HG 2/10

Under Secy

Prsdnt Br. wpc } HG 3/10

77) Subd. with a copy of the proceedings of R.A. on the Bill.

The general principles were accepted by that body.

Subd. for orders if the Bills may be published under rule 8 of the A.C. and

The set of general principles is slightly modified for being adopted as set out in my notes & reasons thereof subd. for approval

SG 26/10/38.

Vide ante pp 15-6

Agricultural Marketing Bill 1934

D.4874/L.C.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

3073

78) It appears the bill & the Statement of Object & Reasons will be published under Rule 8 of the Rules & Business L.C. 2nd Meeting & Session

bg 3-11

RLL 3/11/38

MS 3-11-38

bg 4.11

79) 20 L.C. Office will get 3 copies of the Bill and St. of Objects and Reasons.

OFFICE OF THE SECRETARY 7 NOV 1938 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCILS

5c 7/11/38 bmw

80) Three copies taken and the file sent to Prot.ns B.?

Separate deletion of Clause 20

8.11.38. bg 8.11

bg 10.11

81) The Bill has been scrutinised & the following motions will if approved, be included in the agenda for the next meeting of the L.C. 9.11.38 [illegible]

bg 10.11

Copy of the Bill containing the orders & deletion of clause 20 of the Bill is put up.

Note Sheet. Contn. Sheet.

Protocol 14/11/38 bg 14.11

WD 0544—GPB—30,000—2-9-38

28

D 1020/R.C

1942

Agricultural Produce market Bill

File No. of 193 | General and Revenue Secretariat

(a) Mr moves that the Bill be read in Council.

Mr moves First Member

Seconder — Hon. Secy.

(b) Mr moves that the Bill be referred to a Select Committee

Mr moves. First Member

Seconder Hon. Secy

Filed. for orders.

5/1/39 / Mr. Member

5-1-39

82) Mr

5/1/39

2 copies for note & return

6/1

6/1

Notes & Remarks

BVM Protocol

10-1-39

11.1.39

COPY OF THE FIRST BILL

JAN 5 1939

No 5/41

OFFICE OF THE SECRETARY

6 JAN. 1939

REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

83

The Bill was introduced in the Legislative Council at its recent Session and was referred by it to a Select Committee Consisting of the following ~~guilt~~ members.

1 The First Member (Chairman)

2 Mr. J. Mahomed Imam

3 " M. L. Nagappa Setty

4 " B.R. Puttanarsappa

Serial No.

1. Mr. Dr. C. Linge Gowda
2. " S. Abdul Wajid
3. " T. G. Rama Iyer
4. " Dr. S. Ramachandra Rao
5. Abdul Hakk
6. " D.H. Chandrasekhariya.

84)

Flag "S"

A note on the several Clauses of the Bill is put up for consideration. A comparitive table of the corresponding provisions of the different Acts on Agricultural Produce Markets is also put up.

CLAUSE 3.

(a) "AGRICULTURAL PRODUCE."

This is the most important definition in the Bill. It has however been differently defined in the several Acts. The Draft Model Bill sent by the Agricultural Marketing Adviser to the Government of India, The Agricultural Produce (Grading and Marking) Act I of 1937 The Punjab Agricultural Produce Markets Bill of 1938 all employ the word "includes" and define the term as follows:- " Agricultural Produce includes..... The Hyderabad Act however uses the term "means". Our Draft Bill makes use of both the words. "It should be made clear in a definition whether it is intended to be explanatory, restrictive or extensive. The expression "shall mean" is explanatory and prima facie restrictive. The expression " shall include " is extensive. Therefore the combination " shall mean and include " has the

NOTE- Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

to be avoided, as it raises a doubt whether the definition is intended to be restrictive or extensive. Ilbert

Our Bill, the Government of India Act I of 1937 & the Draft Bill sent by the Marketing Adviser, all include within the term "Agricultural Produce", produce of animals, their skin hides wool etc. The Hyderabad Act and the Punjab Bill both restrict the term only to Agricultural produce. The Government of India Act however does not use the expression 'grower of Agricultural Produce' and thereby the improper meaning which this expression would otherwise carry has been avoided. In our Bill as this expression stands, a 'grower of Agricultural Produce' will include a grower of animals, skins etc., which is not proper. If the definition is restricted to Agricultural Produce only and it is desired to extend this Act to non-agricultural produce like animals, skins, wool or hides it is quite possible to do so by adding a section to the Bill to the effect that the Government may by notification extend all or any of the provisions of this Act to animals, hides, skins etc. This improper meaning to this expression will thus be avoided. Ilbert in his book on Legislative Methods and Forms observes thus on this matter: " A definition is a very dangerous tool to use, especially if it gives a word a non-natural sense, i.e. makes it include something which is not included in its ordinary acceptation. Indeed a word should never be defined in a non-natural sense. When a horse is defined to include a cow, the meaning really is that the provisions of the Act, or

Serial No.

or some of them, are to apply to a cow in like manner as they apply to a horse, and this should be so expressed. "

The expressions "cotton" and "agricultural produce" are used together throughout our Bill. But all the provisions which apply to one, apply equally to the other and there is no provision which applies to only one of the. Cotton is also an agricultural produce. It may perhaps be better to include specifically in the definition of Agricultural Produce, cotton also. Even then there will be power under Clause 4 to have a market or markets only for cotton or only for Agricultural Produce or both as the Government desire.

The definition of this expression contains within it, this very expression which is sought to be defined and is therefore logically incorrect. The other Acts are free from this defect.

Perhaps a definition as given below may be substituted and another section added to the Bill.

" Agricultural Produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act and cotton ginned, unginned or waste. "

The following section may then perhaps be added

NOTE— Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

as section 20.

" The Government may by notification in the official Gazette~~s~~ declare that all or any of the provisions of this Act shall apply to any produce of animals, and their hides, skins or wool. " Such a section will correspond to S 6 of the Govt. of India Act I of 1937.

If this submission is adopted, the expression "grower of agricultural produce or cotton " wherever it occurs in the Bill will have to be changed into " grower of Agricultural produce" merely.

1) " GROWER OF AGRICULTURAL PRODUCE ".

This expression ~~does not occur~~ is not defined in the Government of India Act I of 1937 or in the ~~Punjab~~ Hyderabad Act. In the Punjab Bill the definition is " ..... ~~shall~~ means..... but shall not include....." A similar definition is to be found in the Model Draft Bill. Our definition simply says "...shall not include....". This expression occurs only once in the Bill in Cl 5.

During the discussions on the Bill in the Representative Assembly, a suggestion was made that the Explanation to Clause 17 which exempted certain persons from the penalty for selling in the neighbourhood of an established market, might be rendered more explicit so as to indicate clearly that it applied only to growers and not others. This suggestion was noted. If this suggestion has to be incorporated, this may perhaps be done by defining a grower as meaning a grower of agricultural produce and not including a dealer etc., and then substituting the words "grower of Agricultural Produce for the word "person" at the

Serial No.

THE beginning of the Explanation to Clause 17

(e) " LOCAL BODY. "

This term does not occur anywhere in the Bill though defined. This may perhaps be omitted. The expression 'local authority' occurs twice in the Bill but as it is defined in the General Clauses Act, it need not perhaps be defined here.

(f) " NOTIFIED AREA."

This is defined as an area notified under Section 4. But section 4 does not speak about a notified area. In the Punjab Bill, the Model Draft Bill and the Madras Act this expression carries the same meaning but, ~~as~~ the sections to which reference is made clearly specify what a notified area is.

This expression occurs only once in the whole Bill i.e. in clause 5 para 2. This expression may therefore be omitted and the 2nd. para of Clause 5 slightly modified, or Clause 4 will have to altered to indicate what is meant by a notified area.

CLAUSE 4.

If the expression "notified area" has to be retained the 2nd. sub-clause may perhaps be recast as follows:-

4 (2) Every such notification shall define the limits of the Agricultural market so established and may for the purposes of this Act, include within such ~~limits~~ limits such area, KNOWN AS THE NOTIFIED AREA, as the

NOTE- Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

-the-Government may-prescribe.

PRESENT 4(2)	SUGGESTED 4 (2)
Every such notification shall define the limits of the markets so establis and may for the purposes of this Act, include within such limits such local area as the Government may prescribe.	Every such notification shall define the limits of the Agricultural Market so established and may for the purposes of this Act, include within such limits such area KNOWN AS THE NOTIFIED AREA as the Government may prescribe.

If the definition 'notified area' has to be deleted, the 2nd. para may perhaps be recast as follows:- CLAUSE 5.

PRESENT PARAGRAPH.	SUGGESTED PARAGRAPH.
It shall be the duty of the market committee to enforce the provisions of this Act and the rules and byelaws made therunder in such notified area for the purpose of regulating the purchase and sale of agricultural produce.	It shall be the duty of the market committee to enforce the provisions of this Act and the rules and byelaws made thereunder for the purpose of regulating the purchase and sale of agricultural produce in the area prescribed by the Government under sub-section 2 of section 4.

Since the power to frame rules is obtained only under this Section, it may perhaps be framed as generally as possible. Furtner sub-clause (4)(a) may be omitted after adding the words 'after publication' in sub-clause (1) alone. CLAUSE 6.

PRESENT 6 (I)	SUGGESTED 6 (I)
The Government may either generally or specially for any market or group of such markets make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.	The Government may either generally or specially for any market or group of such markets and after publication make rules for carrying out all or any of the provisions of this Act.

Serial No.

The expression"Consistent with this Act" has been omitted as unnecessary.

Sub-clause (c)

(i) the words "by such of the bodies or groups or individuals referred to in Section 5 " may perhaps be omitted as unnecessary. The Constitution of the market committee is already fixed by Section 5 and it may be unnecessary to state it again here.

~~(ix)xxxxxxxxxxxx~~ The Punjab Act has a new provision which may perhaps be considered in this connection. It is Clause II which reads as follows:-

" The Government may at any time during the period of his office remove by notification any member if such member has in its opinion been guilty of misconduct or neglect of duty provided that before Government notifies the removal of a member under this section the reasons for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in ~~writing~~ writing."

The right of supersession conferred on the Government by Section 17 does not confer this power of removing a single member for misconduct.

(v) The words "subject to the provisions of this Act may perhaps be omitted as unnecessary since this is always implied. The Model Draft Bill and the Hyderabad Act however contain this expression..

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

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File No. of 193 | General and Revenue Secretariat

(x) The words "the provision of any facilities for" at the beginning of this sub-clause may perhaps be omitted since sub-section (2) starts by saying "the rules may provide for or regulate.." Furtner this expression would seem to confer an option on the parties concerned either to have their disputes settled in accordance with rules that may be framed in this behalf or not as they choose.

(xiii) the beginning words "the provision of" are also unnecessary and may perhaps be omitted. But the Model Draft Bill and the Hyderabad Act have these words.

(xviii) This Clause may be omitted as it is covered by the general terms of Sub-section (1) as suggested.

SUB-CLAUSE 4

(a) This has already been incorporated in the suggested Sub-clause (I) and may perhaps be omitted.

(b) This is unnecessary as this power is given by Section 21 of the General Clauses Act.

SUB-CLAUSE 3.

Contravention is an act or omission. But the conviction for an offence is of the person who commits the prohibited act or omits to do the compulsory act. There is no logical relationship between these two in this clause. But the other Acts have the same expression as is to be found in our Bill. This Sub-clause may perhaps be recast as follows:-

Serial No.

	PRESENT (3)	SUGGESTED (3)
	Any such rules may when necessary provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall on conviction by a Magistrate be punishable with fine which may extend to five hundred rupees.	Any such rules may when necessary provide that whoever contravenes any provisions thereof or of any p the conditions of any licence issued thereunder shall on conviction by a Magistrate be punishable with fine which may extend to to five hundred rupees.

CLAUSE 7.

The words "if any" may perhaps be added after the words "such officer" in line three of this Clause to indicate that the previous sanction need be obtained only if such officer has been appointed.

Here also the relationship between the contravention and the punishment is incorrectly set out though in the other Acts have similar provisions in similar terms. The last few clauses may perhaps be recast as follows:-

PRESENT 7	SUGGESTED 7
..... and may provide that contravention thereof shall on conviction by a magistrate be punishable.....	....and may provide that whoever contravenes any provisions thereof shall on conviction by a magistrate be punishable....

CLAUSE 8.

This clause ends with the words " as may be necessary" Perhaps the addition of the words "for this purpose " or "in this behalf" may relate this necessity for the delegation to the purposes enumeratedas earlier in this clause.

CLAUSE 9.

In view of the general terms of Sub-clause (3) of thi

NOTE—Contn. Sheet.

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Clause the words at the beginning of Sub-clause (1) "Subject to such rules as may be made by the Government in this behalf" may perhaps be omitted as unnecessary.

In the second sentence of Sub-clause (1), the word "may" gives a discretion to the Committee to either pay the salary pension etc., or not of Government servants whom it employs. If this has got to be made compulsory, this will have to be changed into "shall". All the other Acts have however got only the word "may".

CLAUSE II

The words "as may be" at the end of this Clause may perhaps be changed into "in the manner" to make the sentence more grammatical.

CLAUSE 12.

This clause is said to be subject to clause 11. Clause 11 states "....all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund...." But this clause states that the fund SHALL be expended for the following purposes ONLY. Though a study of both the sections will indicate that clause 11 will prevail, these two sections are inconsistent. This may be avoided by changing the SHALL into MAY and omitting the word ONLY. However all the other Acts have got the same wording as our Bill.

Of the various clauses that appear under a similar section in the Punjab Bill, there is one which is absent in our Draft and may perhaps be considered. This is (ix) of Clause 21 of the Punjab Bill as follows:-

(ix) with the previous sanction of the Government any other purposes which is calculated to promote the general interest of the market."

Serial No.

CLAUSE 13.

For the words "any transaction in any such market" the words "any such transaction " may perhaps be used as simpler, the transaction having already been stated earlier in the same clause.

CLAUSE 15

The first word "Every" may perhaps be changed into "any" as in the Hyderabad Act or "The" as in the Punjab Bill.

CLAUSE 16.

Sub-clause 3 contemplatestwo steps the Government may take after supersession.

(1) Constitution of a new committee.

(2) other arrangements for carrying out the functions of the committee.

The 2nd. Proviso to this Clause however mentions only the first step. This would mean that though the Government take the 2nd. step still the property will vest in the local authority.

Secondly, Local authority as defined in the General Clauses Act contemplates more bodies than one. The proviso is not clear which body is to get the property. This proviso may perhaps be recast as follows

PRESENT PROVISO 2.	SUGGESTED PROVISO 2.
Provided further that if no new market committee is constituted for the market under section 5 all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the market is situated.....	Provided further that if no order is made by the Government under sub-section (3) of this section all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in such local authority of the area in which the market is situated as may be determined by the Government in this behalf for.....

NOTE—Contn. Sheet.

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Agricultural Produce Markets Bill.

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The words at the end " for the purpose of any object of public utility in the said area" and the last para of this Section both convey the same menaing and one of the two may perhaps be omitted.

If the word "person" in the explanation has to be retained and not changed to "grower of agricultural produce", the Explanation may perhaps be recast as follows:- CLAUSE 17

PRESENT EXPLANATION	SUGGESTED EXPLANATION.
A person shall not be deemed to set up establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.	A person shall not be deemed to set up establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of agricultural produce if he sells agricultural produce GROWN BY HIM outside the premises set apart by the market committee for the purpose of purchase and sale of agricultural produce.

The words "of the provisions of section 17" after the words "continuing breach" may perhaps be omitted as unnecessary. CLAUSE 18

Sub-clause (1) may perhaps be recast as follows in more general terms:- CLAUSE 19.

PRESENT 19(1)	UGGESTED 19(1)
No offence under this Act or under any rule under section 6 or under any byelaw made under section 7 shall be triable	No offence under this Act or under any rule or byelaw made thereunder shall be triable.....

1942

Agricultural Produce Markets Bill 36

General and Revenue Secretariat

File No. of 193

Serial No.

8) There are Certain new sections in the Punjab and Mad Acts that are not found in our Bill and attention is invited to them for Consideration. They are:-

Punjab Bill:

11: right to remove any member of Market Committee for mis Conduct.

~~12~~: ~~right to fill Vacancy Caused for~~

23: Bar of suit in absence of notice.

30: Recovery of sum due to Govt. by Committee.

Madras Act.

21 Recovery of Sum due to Govt. by Committee

22: Delegation of powers.

Hyderabad Act.

16: Prohibition of working within the area of the market.

Draft Bill of the Marketing Adviser.

19: Delegation of Powers.

With D.A. Proceedings

Bombay Act XVII of 27

Madras Act IX of 33

Punjab Gazette (ext) II 4/38

Model draft Bill of I.C.A.R.

Hyderabad Act

Extract of Indian Act E of 37 & 3359

Comparative legislation Map 5

~~One~~ 9.2.39.

8) The meeting of the Select Committee has been fixed for the 30th March 1939.

Issued P 5053-61 to the members of the Select Committee, P.A to the First member. L.C. Offi and OB

DKR 2.2.39

1st Member)

on 30-3-39

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

87 Agricultural Produce Markets Bill

1,594 [illegible]

File No. D 1719/Re of 193

General and Revenue Secretariat

87) The Select Committee met on the 30th March 1939 and went through all the Clauses of the Bill. A draft report of the Select Committee is submitted

Flag A

6.4.39 (for Secy)

pages 97

(for Member)

8.4.39

11.4

26/4/39

dated 29.4.39

Issued D.O. 15723-9, to the members

88) who attended with copies of report

All the members of the Select Committee who attended the meeting have returned the report with their approval. Mr. D.H. Chandrasekharaiya has approved subject to a note (of dissent) If approved the report and the note will be sent to the L.C. Office for publication.

12.5.39

89) may be published

The dissenting note is for perusal

(for member)

12.5.39

12/5/39

90) To L.C. Office.

Three Copies of the report and the note are sent herewith for further action

13.5.39

5 Copies taken & file returned.

13/5/39

13.5

C... OFFICE
FIRST CHAMBER OF C...
APR 24 1939
No. 8280

C... OFFICE
FIRST ...
MAY 12 1939
No. 8945

OFFICE OF THE SECRETARY
13 MAY 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

Agricultural Produce Markets Bill.

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

JUN 15 1939
9825

The report of the Select Committee was published in the Gazette of the 18th May 1939.

The following motions are put up for inclusion in the agenda of the L.C.

1. Motion that the report of the Select Committee on the Bill as amended by it be taken into Consideration

Mover — 1st Member

Seconder — Development Secretary

2. Motion that the Bill as amended

2. amendments.

(Mr. D.H. Chandrasekharaiya has sent on the lines of his dissenting note)

a note on the amendments moved by Mr. D.H. Chandrasekharaiya is put up.

Some amendments. They will be worked up and resubmitted)

3. Motion that the Bill as amended be passed

Mover. 1st Member

Seconder — Development Secretary.

Sd/ 23.6.

2nd Member

Through Dev Sec)

Sd/ 26/6

Sd/ 14/6

1st Member)

Sd/-)

Sd/ 15/6/39

Sd/ 15/7/6

GOVT. OF MYSORE.
A 2093
14.6.39

OFFICE OF THE
EXECUTIVE COUNCIL
JUN 29 1939
No. 60364

The Bill as amended has been passed by the Legislative Council at its present session

A.D.7.N is put up for orders.

Sd/ 29.6.39

Sd/ 29/6

Dev Secy)

1st Member)

Signed 7.N is placed in file

Sd/ 30/6

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7·30

6594 #

Agricultural Produce Markets, Bill

General and Revenue
Secretariat

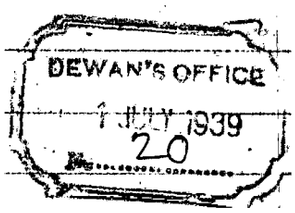
File No. of 193

S. N. Bahmaulla

Dewan)

C 3876

DSR
30-6



Final Note by the First Member of Council.

Subject.—

Promulgation into law of the Mysore Agricultural Produce Markets Bill.

On the 12th September 1938, the gracious sanction of His Highness was accorded to place the general principles of the Mysore Agricultural Produce Markets Bill before the Representative Assembly and to introduce the Bill before the Legislative Council. The general principles of the Bill were accepted by the Representative Assembly at the Dasara session of 1938. The Bill itself was introduced in January 1939 in the Legislative Council and referred by it to a Select Committee. The Select Committee examined the Bill and amended the same in certain particulars which were agreed to by the Legislative Council on the 20th June and finally passed.

Paras 76-77 of notes

Para - 83 "

Para 91-93

I solicit the gracious sanction of His Highness for promulgating the Bill into law.

M. Visvesvaraya

MEMBER OF COUNCIL.

Bangalore,
30th June 1939.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* promulgation into law of the Mysore Agricultural Produce Markets Bill *for His Highness' gracious approval.*

Mirza M. Ismail

Bangalore,
30th June 1939.

Dewan.

42

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore Agricultural Produce Markets Bill.

Chief Se. 2-7-39

Order.

~~KRW~~
3/7/39

4.7.39

H.H3

General and Revenue
Secretariat.

SUBJECT:—

Promulgation into Law of the Mysore Agricultural Produce Markets Bills

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(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Direct Administration Department.

4.7.39

116
5.7.39

FIRST MEMBER OF COUNCIL.

6/7/39

219
6.7.39

SECOND MEMBER OF COUNCIL.

6.7

Prom Paragraph.

6.7.39

NOTE.—Contn. sheet

WD 0579—GPB—375—20-12-38

3
7/7

6/7

Agricultural Produce Markets Act 17

The previous assent of His Highness was accorded on 3.7.39 to promulgate the Bill into law.

Submitted with a draft G.O. directing publication of the Act as Act XVI of 1939

Secretary)

8.7.

19/7/87

Demi Fo. Secl 209. Legis 4-39-1 dated 12.7.39

The Act has been published in yesterday's Gazette Pt IV (27.7.39)

The file will be sent to the Dev. Br. for action and return

27/7/39 Law Secretary

noted and returned

29/7 (Asst Br)

A Rec

DEV. & REV. SCOTT.

NOTE–Contn. Sheet.

Agricultural Produce Marketing Bill letter re

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

From

Mr D. H. Chandrasekharaiya Dr LLB.

letter dated 13th March 1939 requesting that the Presidents of the Traders Association in Davanagere and Chitaldrug might be sent for at the time of the meeting of the Select Committee on the Agricultural Produce Market Bill.

He ~~writer~~ refers to his suggestion made in ~~writing~~ the L.C. discussions on the Bill and he adds that if the Bill is passed with their approval, it will be easy to bring it into force without encountering any organised opposition from any quarter.

x See Flag "C" Relevant Portion at page 4

under rule 52 of the Standing orders, the L.C. a Select Committee may, for the Purpose of obtaining information, invite any person to be present at its sittings.

under rule 69 if the Bill, ~~affects~~ peculiarly affects Private interests any person whose interests are so affected may apply to the Council or the Select Committee to be heard A motion will have to be brought by a member and the Select Committee will have the power then to direct whether he be heard. Rule 70 ~~forbids~~ lays down that no stranger can be permitted to address the Select Committee except under 69.

The present Case will therefore come under rule 52 & Even for this rule to operate the decision will have to be arrived at by the Select Committee.

If approved a reply to that effect ~~will~~ may be sent to Mr Chandrasekharaiah and the letter (P.U.D) placed before

NOTE —Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

Agricultural Produce Markets Bill — Letter re

File No. of 193

General and Revenue Secretariat

OFFICE OF THE FIRST MINISTER OF COUNCIL
MAR 16 1939
No. 2414

the Select Committee which is fixed to meet on the 30th March 1939.

15.3.39 The suggestion is made that the Presidents of the Associations at Dawangere & Chitaldrug may be placed before the Select Committee. But it is submitted that persons whose interests are likely to be affected have not applied for permission to be heard. (vide S 069) Such persons are

15/3/39 (Ag Member) hp 15/3

Mem 17/3/39

hp 17/3

when Mr. D. H. Chandrasekharaiya came here in connection with a meeting of the Select Committee on the Land Revenue Code (amendment) Bill on the 20th inst. this matter was explained to him in person.

A draft reply to the letter is also submitted for orders in case it is thought necessary ~~in view~~ after the personal talk with the undersecretary on the 20th.

Meeting on 30th

27.3.39 Such a course personally I felt it was unnecessary Issued reply.

To be linked with file 246

CONFIDENTIAL.

Proceedings of the meeting of the Committee appointed by Government to enquire into and report on the improvements to be made in the cultivation and marketing of commercial crops like cotton, groundnut and tobacco in the Chitaldrug District, held on the 25th September 1937.

PRESENT.

1. *Rajamantrapravina* N. Madhava Rau, Esq., B.A., B.L., Second Member of Council. (Chairman).
2. M. S. Ramchendra Rao, Esq., B.A., Director of Industries and Commerce.
3. T. G. Rama Iyer, Esq , B.A., Director of Agriculture in Mysore.
4. Dr. V. K. Badami, L.Ag., Ph.D., Deputy Director of Agriculture.
5. D. H. Chandrasekharayya, Esq., B.A., LL.B., Advocate, Chitaldrug.
6. J. Mahomed Imam, Esq., B.A., B.L., President, District Board, Chitaldrug.
7. *Rao Bahadur* B. K. Garudachar, Esq., M.L.C., Bangalore.
8. P. S. Sirur, Esq., Manager, Ginning and Pressing Factory, Chitaldrug.
9. H. K. Ramiengar, Esq., M.A., Secretary, Board of Industries and Commerce, Bangalore, (*Secretary*).
10. Gundappa S. Kurupad, Esq., B.A., Assistant Director of Agriculture.

ABSENT.

Mr. T. Chandranna of Messrs. Bramhappa Tavanappanavar of Davangere had sent a letter expressing his inability to attend the meeting.

In opening the proceedings, the CHAIRMAN invited the attention of the members to the resolution on the subject moved at the Legislative Council and the reply given by Government and stated that this committee was accordingly appointed to enquire into and make recommendations on the subject. Before convening this meeting, he had deputed the Secretary to visit the several places in the Chitaldrug District and to submit a preliminary report regarding the possible improvements that could be considered in this connection. Extracts from the report submitted by him had been sent to the members for their information. He added that the main object of this meeting was to explore all avenues for taking action and to determine the main issues to be considered hereafter and invited suggestions from the members.

Rao Bahadur B. K. GARUDACHAR stated that there was a fall in the trade of Davangere, that the causes responsible therefor as indicated in the notes were correct and that this was also borne out if a comparision was made of the present transactions of the Bank of Mysore Ltd., with what they were some years before. Loss of reputation had contributed a great deal to the decline in trade. He welcomed the introduction of legislation to put an end to the several objectionable practices obtaining at Davangere.

THE DIRECTOR OF INDUSTRIES AND COMMERCE referred to the experience he had in the past whenever he purchased cotton from Davangere and stated that the establishment of a regulated market would go a long way in reviving the trade and also in helping both the raiyats and merchants. He referred to the working of the regulated markets in other cotton marketing centres in India and invited the attention of the members to a note on the subject prepared by the Marketing Officer of the Department. He stated that pending the introduction of legislation, it was possible to organise marketing associations on a voluntary basis and bring into existence regulated markets in some places provided the Department was permitted to take the necessary initiative in the matter.

Mr. P. S. SIRUR observed that the decline in the trade of Davangere should not entirely be attributed to the deterioration in the quality of cotton nor to the malpractices indulged in at the place. There were other factors to be taken into account. For example, a number of cotton markets had come into existence in recent years round about that area, such as, Chitaldrug, Kottur, etc. All the better grades of cotton that used to come to Davangere formerly were being diverted to these places and only the inferior cotton found its way to Davangere. Further there were no restrictions on the transport of such inferior cotton into this area from outside.

Mr. D. H. CHANDRASEKHARAYYA remarked that a number of causes might have contributed in the past to bring about the present conditions of business and that the committee should content itself with suggesting improvements to be introduced hereafter.

The CHIRMAN stated that it was seen from the trend of discussion that the quality of Davangere Cotton had gone down, that its trade had suffered, that the prices realised by the growers had fallen and that the remedy suggested was the establishment of regulated markets.

It was unanimously agreed that the necessary legislation should be introduced providing for the establishment of regulated markets and that details of legislative measures to be introduced should be worked out and placed before the committee at its next meeting.

II. The next subject considered was that of the arrangements to be made for the supply of pure seeds.

The DIRECTOR OF AGRICULTURE stated that if the Agricultural Department had under its control 10,000 acres or more under cotton cultivation, it would be possible for the Department to secure sufficient quantity of pure seeds of improved varieties for distribution to the raiyats all over the cotton tract. He referred to the work that was being done by the Co-operative Society at Maradihally. The Department was interested in augmenting the supply of seeds of Sannahatti—S. 69—to the raiyats as far as practicable. At present they were in a position to supply seeds enough to cultivate 20,000 acres *i.e.*, about a quarter of the total area under cotton in the State. He stated that the Department had also been devoting its attention to evolve new varieties of cotton, the cultivation of which would be more paying. He made a particular mention of H. 190 and stated that it was found to be of longer staple with a higher ginning percentage and that it gave a better yield. But there was one limiting factor to its introduction all over inasmuch as it could be successfully cultivated only in those places where there was no wilt disease.

Dr. V. K. BADAMI submitted to the Chairman samples of different varieties of cotton and the same were inspected by the members.

The CHIRMAN enquired of Mr. Kurupad the arrangements made in the Hyderabad State for the supply of pure seeds to the cultivators.

Mr. KURUPAD stated that the Agricultural Department there had control over the growers, supplied them pure seeds and bought the crop raised by them. Subsequently the cotton was ginned under their supervision and the seeds derived therefrom were supplied to the raiyats.

Mr. J. MAHOMED IMAM remarked that the co-operation of the local sahukars and merchants was necessary for the success of any arrangements that might be made for the supply of pure seed to the raiyats.

The DIRECTOR OF AGRICULTURE stated that they should start one or two co-operative societies on the model of the Maradihalli Co-operative Society, that their agency should be availed of for augmenting the supply of pure seeds and also for the distribution of the seeds to a much larger number of cultivators than are supplied at present and that, meanwhile, the existing arrangements made by the Department for the distribution of the seeds would be continued.

It was finally agreed that the committee should consider in detail whether the supply and distribution of seeds should be undertaken by one or more co-operative societies to be started hereafter or by any other organisation formed for the purpose with the aid of the Agricultural Department.

III. The CHAIRMAN then pointed out that the benefits accruing from the establishment of regulated markets and improvement in the quality of cotton secured by the supply of pure seeds would be of no avail if inferior cotton were available for purposes of admixture. The question to be considered was how best such inferior cotton should be eliminated altogether. He referred to the cultivation of Bokda Cotton and enquired to what extent its cultivation had spread in recent years.

THE DIRECTOR OF AGRICULTURE stated that Bokda Cotton gave a very high ginning percentage and that its colour was very good but its staple was very short. Bokda Cotton was used for purposes of mixing and there were no accurate statistics regarding the extent of land on which this variety was under cultivation. He recommended that its cultivation should be prohibited by legislation.

DR. BADAMI stated that Bokda Cotton could be grown on poor gravelly soils and that its cultivation required no great attention. To some extent it was imported from the adjoining provinces of British India. This was facilitated by the absence of any restrictions on the import of such cotton.

MR. P. S. SIRUR stated that Bokda Cotton was popular with the raiyats on account of its higher yield per acre and its larger ginning percentage. Its cultivation could be prohibited altogether only when the raiyats were in a position to grow a more suitable variety.

In reply to a question from the Chairman as regards the ultimate destination of Davangere Cotton, Mr. Sirur stated that the Mysore Mills were buying about half of the total crop coming into the market for use in their mills, that Messrs. Binny Mills who were formerly buying at Davangere had now closed their office and that Messrs. Volkarts were still continuing to buy at Davangere. He could not state definitely whether Davangere Cotton was exported as such to any foreign country.

The members opined that exporting firms were rebaling before shipment cotton purchased by them at the several centres of trade and that this was done to meet the requirements of particular markets.

MR. D. H. CHANDRASEKHARAYYA stated that along with the introduction of legislation there should be sufficient organisation to enforce the law and it was only then that the results expected could be achieved.

MR. J. MOHOMED IMAM stated that Bokda Cotton coming from outside should be stopped immediately.

The sense of the meeting was that comprehensive legislation should be introduced to eliminate the cultivation, possession and use of the inferior varieties of cotton and to put an end to the malpractices existing at present.

IV. The question of making arrangements for the supply of groundnut seeds was next taken up for consideration.

THE DIRECTOR OF AGRICULTURE and Dr. V. K. Badami remarked that there was no variety known as "Khandesh", that what was generally known as "Khandesh" was really Spanish or Valencia, and that the Department of Agriculture had evolved an improved variety known as HG 1. It was pointed out that its outturn ranged from 30 to 40 pallas per acre and that its oil content also compared favourably with that of the other varieties. The oil mills showed some reluctance in freely buying it on the ground that its oil content was comparatively lower. In fact it was the experience of the Department that the oil content of HG 1 was higher and that it would pay the raiyats if they took to the cultivation of HG 1.

THE CHAIRMAN stated that the cultivator was interested in growing that particular variety which gave him the largest monetary return.

Some samples of groundnuts were then submitted to the members for their inspection.

Rao Bahadur B. K. GARUDACHAR stated that from the point of view of the mills, groundnuts from Kurnool and Hyderabad were the best ones available, that the variety HG 1 was not popular with the oil mills on account of the thickness of the shell. Some extra allowance was required to be made to induce the oil mills to go in for the same.

THE DIRECTOR OF AGRICULTURE stated that he would have some tests conducted to find out the comparative weight of pods per unit of different varieties and also their oil content, etc.

Continuing MR. GARUDACHAR observed that the local market for groundnuts was influenced by the foreign markets, especially in France. The principal exporting firms as Messrs. Ralli's, Volkart's, Drayfuss, etc., received everyday quotations ruling in the foreign markets and on that basis worked out and offered the rates for their local purchases. It appeared to him that neither the quality of the groundnuts nor the quantity obtained per unit of weight was taken into account by the exporters, whereas it was only the oil content of seeds that influenced the local oil mills and their demand for seeds.

THE DIRECTOR OF INDUSTRIES remarked that it was seen from the discussion that from the point of view of the cultivator, the highest yield was the main factor to be taken into account.

THE DIRECTOR OF AGRICULTURE observed that HG 1 was found to be the most suitable and that the Department would arrange for the supply of the seeds.

V. THE CHAIRMAN referred to the practice of wetting the groundnut seeds prevalent in some places and stated that the Government of India had pointed out that this practice would spoil the reputation of Indian groundnuts and bring down their prices in the foreign markets if this practice was not checked.

DR. V. K. BADAMI observed that in South India the wetting was resorted to during harvesting as the fields were flooded with water and the collection of nuts was thereby rendered easier. But *Rao Bahadur* B. K. Garudachar did not agree with this view. He pointed out that there was deliberate watering and referred to the insertion of a particular clause in all sales contracts to safeguard the interests of buyers against watering.

VI. The question of establishing an oil refining plant at Davangere was next considered.

In the course of the discussion it was pointed out that the oil mills in Davangere were not able to work up to their full capacity and that they would be benefited if a part of their output, which did not find a local market, was taken over by the refining plant and the refined

oil sent to the more distant markets. *Rao Bahadur* B. K. Garudachar stated that it was difficult to find a market even for the refined oil.

A reference was also made to the possibility of selling the refined oil as olive oil and it was opined that the practice was open to objection and would not pay in the long run.

VII. THE CHAIRMAN enquired if there were any other commercial crops that could be cultivated in the Chitaldrug District.

The possibilities of growing coriander were considered.

As regards the cultivation of tobacco, the Director of Agriculture stated that about 40 acres in Babbur Farm had been cultivated with "Harrison Special" variety and that for want of timely rains, the entire crop had failed.

The sense of the meeting was that there were no other commercial crops for the present that could be cultivated by the raiyats with advantage, in the Chitaldrug District.

H. K. RAMIENGAR,
Secretary.

N. MADHAVA RAU.
Chairman.

WD 599—GPB—100—30-10-37

CONFIDENTIAL.

BOARD OF INDUSTRIES AND COMMERCE.

Proceedings of the First Meeting of the reconstituted Board of Industries and Commerce held at 2 p.m. on Thursday the 17th March 1938 in the Legislative Council Hall, Bangalore.

CHAIRMAN.

Rajamantrapravina Mr. N. Madhava Rau, B.A., B.L., Second Member of Council.

MEMBERS PRESENT.

1. Mr. M. S. Ramchendra Rao, B.A., Director of Industries and Commerce.
2. „ T. G. Rama Iyer, B.A., Director of Agriculture.
3. „ S. G. Forbes, E.E., B.Sc., (E. & M.E.), Mem., A.I.E.E., Chief Electrical Engineer.
4. „ M. Abdul Hukh, B.A., Registrar of Co-operative Societies.
5. „ B. Rama Rao, M.A., D.I.C., F.G.S., Director of Geology.
6. „ M. Machaya, B.A. (Oxon.), Chief Conservator of Forests.
7. „ M. Venkatanaranappa, B.A., Secretary to Government, Development Department.
8. „ S. G. Sastri, B.A., M.Sc., F.C.S., Director, Sandalwood Oil Factory.
9. Dr. B. Sanjeeva Rao, M.A., P.HD., Professor of Chemistry, Central College.
10. *Rao Bahadur* B. Venkateshachar, M.A., Director, Indian Institute of Science.
11. *Rajasevasaktha* MR. S. Hiriyannaiya, M.A., B.L.
12. *Rajasabhabhushana Diwan Bahadur* K. R. Srinivasa Iyengar, M.A.
13. *Rajacharithavisharada Rao Sahib* C. Hayavadana Rao, B.A., B.L.
14. *Lokasevasaktha Rao Bahadur* B. K. Garudachar.
15. Mr. V. L. D'Souza, B.A., B.Com., Professor of Economics, Maharaja's College.
16. *Dharmapravartha* Mr. M. L. Nagappa Setty.
17. Mr. T. Ramachandra, B.Sc.
18. „ M. Ramachandra Rao Scindia.
19. „ T. Chendranna.
20. „ S. K. Narasimhaiya.
21. „ K. Srikantiah (invited).

Mr. V. Venkatachar, M.A., B.Com. (*Secretary*).

ABSENT.

1. Mr. A. V. Ramanathan, B.A., Chairman, Mysore Iron and Steel Works, etc.,

(Letter expressing inability to attend the meeting was received.)

2. Sir M. O. Forster, F.R.S.
3. Mr. B. Abdur Rahmon, B.A.

The Chairman in his opening remarks referred to the useful work done by the Board of Industries and Commerce during the last term and expressed the hope that with the members' co-operation and valuable suggestions, the Board might have a record of good work during the present term also.

The subjects on the agenda were then taken up for consideration.

Enforcement of the use of the standard Weights and Measures.

The scheme for the enforcement of the use of standard weights and measures throughout the State and the adoption of the Bombay system of standard weights and measures was first taken up for consideration.

Messrs. K. R. Srinivasa Iyengar, B. K. Garudachar, T. Chendranna and others said that they were in complete agreement regarding the principles and the necessity for extending the present Act with the standard weights and measures on the Bombay basis throughout the State. But before this was done the question as to whether there had been an adequate supply of the certified weights and measures in the areas already notified under the Act, had to be considered.

Mr. K. R. Srinivasa Iyengar further said that so far as his information went, the requirements of the certified weights and measures were not being adequately met. It may not be possible for Government to undertake the supply of such certified weights and measures entirely as it involved large expenditure. He added that as the present arrangements for their supply were not sufficient, it was necessary to bring into force a system by which regular supplies of certified weights and measures were ensured through licensed manufacturers and dealers.

The Chairman endorsed the views expressed by Mr. K. R. Srinivasa Iyengar and observed that private enterprise for the manufacture and supply of certified weights and measures should be encourged in the interest of regular supplies as also to keep down cost, since it might be possible for private manufacturers to supply at cheaper prices.

Mr. Ramachandra Rao Scindia enquired if the Act had been strictly enforced in the 32 towns. Mr. K. R. Srinivasa Iyengar also asked if any cases of the infringement of the provisions of the Act had been reported.

The Chairman furnished the figures relating to the prosecutions launched from the year 1932 and pointed out that the number of cases prosecuted rose from 8 in 1932 to 139 in 1936-37, which showed that steps were being taken to properly enforce the Act.

Mr. Srikantiah observed that in the interest of strict enforcement of the Act, it was necessary that the administration of the Act should be transferred entirely to the Department of Industries and Commerce from the Revenue Department as the dual control may not be conducive to the efficient administration of the Act. The Board unanimously approved of this suggestion.

Mr. B. K. Garudachar referred to the practice prevalent in several places in the State regarding the use of different units of weights and measures and said that in order to prevent frauds by the use of unauthorised units, it was necessary to enforce the use of uniform weights and measures on the Bombay basis as this would secure a very nearly uniform practice all over India. Mr. Ramachandra Rao Scindia enquired if it would not be possible to do away with "Measures" altogether as in Northern Indian Provinces. His view did not find favour.

As regards the testing of weights and measures, Mr. K. R. Srinivasa Iyengar said that they might be tested once in two or three years. Messrs. B. K. Garudachar, T. Chendranna, M. L. Nagappa Setty, Srikantiah, Narasimhiah and Ramachandra Rao Scindia said that by frequent usage, the weights and measures are apt to wear out soon and in the interest of trade, they should be tested regularly once a year.

After further discussion, the following resolutions were adopted

(1) That this Board is of the opinion that while it is desirable to extend the present Weights and Measures Act throughout the State, it is first necessary that every step should be taken to ensure that the provisions of the present Act are strictly enforced in the areas already notified under the Act,

(2) That this Board recommends to Government that in order to secure the better enforcement of the provisions of the Act, the administration of the Act should entirely be transferred from the Revenue Department as at present to the Department of Industries and Commerce.

(3) That in order to secure regular and adequate supplies of certified weights and measures, the Board recommends that as this could be better ensured by private enterprise, a system be brought into force by which licensed manufacturers and dealers can undertake the manufacture and supply of certified weights and measures, and

(4) That as regards the adoption of the standard weights and measures in force in Bombay throughout the State, the Board is of the opinion that before this is done, the action that other provinces in India may take in this regard may be watched.

2. Revision of the Rules relating to the issue of Auditors' Certificates.

The next subject considered was the revision of the rules relating to the issue of the Auditors' Certificates in the State under the Mysore Companies Act to bring them into line with those now in force in British India.

The Registrar of Co-operative Societies mentioned that in the changes proposed, the mention of the languages in which auditing will be done which is being specified in the certificates issued at present, had been recommended to be omitted and said that it was necessary to continue the present practice of specifying the language in which the auditor can audit accounts, in the interest of efficient and honest work.

Mr. Hiriannaiya and others expressed that though it was the look out of the employers of auditors to see that they engaged only such people as knew these languages and specific mention of such languages in the certificates may seem unnecessary, still the present practice of specifying the languages had its advantages and the same might be continued. This view was accepted.

Mr. K. R. Srinivasa Iyengar said that it was desirable that as the number of qualified non-officials seeking Auditors' Certificates increased, the grant of such certificates to Government officials should proportionately and gradually be reduced. Mr. Hayavadana Rao and Mr. Hiriannaiya also supported this view.

The Chairman observed that this view may be conveyed to Government while forwarding the opinion of the Board on the revision of the rules.

After further discussion regarding the period of certificates and fees payable etc., it was resolved:

That this Board approves of the changes proposed in the existing rules for the grant of Auditors' Certificates to bring them into line with those of British India, with the following modifications:

(a) that the language or languages of the accounts which the holder of the certificate can audit, should continue to be specified in the certificates as at present, and

(b) that as the number of private certified auditors increased, the number of certificates issued to officials in Government employ who are now permitted to do auditing work should be gradually reduced.

3. Starting of an Official Stock Exchange in Bangalore.

The Director of Industries and Commerce explained that the question of starting an Official Stock Exchange in Bangalore had been considered by a Sub-Committee of the Board which, after examining the matter in great detail in the light of the information collected as regards the working of the Stock Exchanges at Madras and Bombay and the business in stock exchange transacted in Bangalore, recommended the formation of a STOCK AND SHARE BROKERS' ASSOCIATION as a preliminary to the starting of a full-fledged Stock Exchange in Bangalore and that the Association was required to register itself under the Mysore Companies Act.

Messrs. B. K. Garudachar and Hayavadana Rao expressed that if the business that had been going on in Bangalore in stocks and shares was allowed to continue unchecked and uncontrolled, many people would be ruined as it involved the question of dealing in money directly. They opined that the work of the stock and share brokers and jobbers should be strictly controlled and to this end legislation should be introduced making it obligatory that every stock and share broker and jobber should take out a license for doing business in this line.

As an instance of how people without sufficient resources had entered the stock and share business, Mr. S. G. Sastry said that recently when Bank references were demanded of some Stock and Share Brokers, they had none to offer.

The Director of Industries and Commerce mentioned in this connection that there was no legislation anywhere in India providing for issue of licenses etc., to people taking to stocks and shares business.

Mr. Hayavadana Rao said that this question, however, required further examination. It was finally resolved :—

(1) That the Board approves of the recommendation of the Sub-Committee for the formation of a Stock and Share Brokers' Association in Bangalore registered under the Mysore companies Act, and

(2) That the question whether it was not desirable and necessary to introduce legislation so as to compel the share and stock brokers and jobbers to take out licenses and thus enable the Government to exercise control over them be further examined by the Sub-Committee, and that Mr. C. Hayavadana Rao may be co-opted as an additional member of the Sub-Committee.

4. Improvements in the cultivation and marketing of commercial crops such as Cotton, Groundnut and Tobacco.

The Chairman said that this question had been considered in great detail by the Sub-Committee of the Board and a copy of the resolutions passed by the Sub-Committee had been furnished to members. He then inquired if the members had any further suggestions to make. The members unanimously opined that legislation recommended by the Sub-Committee for the control of cotton cultivation and prohibition of the cultivation, possession and transport of inferior and undesirable varieties of cotton and providing for the constitution of Regulated Markets for agricultural commodities was urgently called for and adopted the following resolutions :—

That this Board approves of the resolutions passed by the Sub-Committee (copy attached hereto) in regard to the better cultivation and marketing of commercial crops such as Cotton, Groundnut and Tobacco and recommends to Government that the draft bills framed for the purpose be enacted into law, and

That this Board further recommends that arrangements for the adequate supply of improved varieties of seeds be made by the starting of a number of Seed Growers' Associations on the model of the Co-operative Society now working at Maradihalli.

5. Industrial Surveys.

The Director of Industries and Commerce said that this was one of the subjects considered at the Industries Conference held at Lahore during December 1937, arising out of the matters considered at the Third Session of the Industrial Research Council held in Bombay in July 1937. It was recognised that in order to undertake systematic action for industrial development on an all-India basis, Industrial surveys were considered a necessary and essential preliminary. Both Punjab and Bengal had already undertaken surveys of individual industries ; (1) Oil seeds crushing industry, (2) Tanning and (3) Pottery and Ceramic industries, in the first instance.

The first industrial survey in Mysore was conducted by Mr. Sambasiva Iyer but in view of the fact that it covered a wide range of subjects, it was necessarily incomplete in details regarding any particular subject. Moreover, this survey was already about 25 years old and therefore fresh surveys of Industries in Mysore have to be undertaken. Such a survey in the State is all the more necessary in order to know the present position of individual industries and the possible improvements that could be effected suited to the changing conditions. Such surveys have the additional advantage of providing statistical information which would be of ample use in chalking out plans of industrial development.

Prof. V. L. D'Souza endorsed the views expressed by the Director of Industries and Commerce and said that in the University they had been doing some work in this direction but for want of adequate facilities, it had not been possible to achieve any definite results. They have had to grope in the dark for want of adequate statistical information in regard to industry and other allied matters. Such surveys as proposed by the Director of Industries and Commerce would go a long way to serve as a proper guide for a well-planned industrial development.

Mr. Ramachandra Rao Scindia enquired if it was proposed to include in such surveys, a study of the commercial possibilities of new industries and improvement of technique, etc.

The Director of Industries and Commerce replied that it was proposed, to begin with, to undertake the survey of existing industries only which included the study of improvement of technique wherever possible.

Mr. T. Ramachandra suggested that such surveys might include information about the cost of production, wages paid to labour, etc. The Director of Industries and Commerce said that the collection of such information came within the scope of the proposed industrial surveys.

It was finally resolved—

That this Board is of the opinion that surveys of individual industries in Mysore is necessary in order to determine the lines of future industrial development and recommends to Government that surveys of the following industries be immediately taken up :—

(i) Oil seeds crushing industry.
(ii) Hand-loom weaving.
(iii) Tanning, and
(iv) Pottery and Ceramic industries.

6. Apprenticeship training in industry and trade.

The Director of Industries and commerce explained that in accordance with the resolutions adopted at the Ninth Industries Conference and at the Third Meeting of the Industrial Research Council, several British Indian Provinces—Bengal, Bombay, Madras—had already developed schemes of apprenticeship in industries and trade and other provinces were evolving such schemes with a view to relieve middle class unemployment which had been increasing. The progress made by the several provinces had been furnished in the note circulated to the members. The Director added that in view of the scope and necessity for apprenticeship in industry and trade in Mysore, a scheme on the lines of the Bombay scheme may be introduced with advantage in the State.

Mr. Hayavadana Rao said that the apprenticeship scheme proposed by the Director of Industries and Commerce had great possibilities which was calculated to serve a double purpose in that middle class unemployment would be relieved to the extent possible and it would also provide skilled workers to industries and trade and consequently their efficiency would undoubtedly increase and would enable the employers to get better return. Further, for want of such a scheme, most of the industrialists were obliged to train the employees at their (employers') cost which, in these days of keen competition and increasing efficiency, they could ill afford to do.

He continued saying that the University had been considering the question of instituting courses in vocational subjects in the post-secondary classes with the same idea of providing young men with new avenues of employment and therefore, the apprenticeship scheme proposed by the Director of Industries and Commerce might perhaps be considered with advantage by the Board in conjunction with the University so as to secure an eminently practical and useful scheme.

Then some discussion ensued about the Bombay scheme. Mr. S. G. Sastry said that in Bombay students were given training in industrial concerns and factories side by side with their general education and similarly we have to ensure the co-operation of educational institutions and industrial concerns for the proposed apprenticeship scheme.

It was finally resolved :—

That this Board is of the opinion that action in respect of apprenticeship scheme on the lines indicated in the note submitted by the Director of Industries and Commerce is urgently called for and that in order to evolve a sound and feasible scheme, this question be referred to a sub-committee of the board composed of the following members, for detailed consideration and report :—

(1) The Director of Industries and Commerce.
(2) *Rao Bahadur* **B. Venkateshachar, Director, Indian Institute of Science.**
(3) Mr. S. G. Sastry, Director, Sandalwood Oil Factory.
(4) *Lokasevasaktha Rao Bahadur* **B. K. Garudachar.**
(5) *Rajacharithavisharada Rao Sahib* **C. Hayavadana Rao.**
(6) Mr. V. L. D'Souza, Professor of Economics, Maharaja's College.

The Secretary of the Board, Mr. V. Venkatachar, M.A., B.com., will be the Secretary of the Sub-Committee.

7. Manufacture of water-proofed textile fabrics.

Mr. S. G. Sastry explained that he had conducted some experiments in the manufacture of water-proofed fabrics in the Government Soap Factory but for want of grants the experiments could not be continued. The idea was to start with the grey acetate of lime available at Bhadravati and prepare from it aluminium acetate which was one of the recognised water-proofing chemicals known to the trade.

He further said that in view of the large imports of the water-proofed goods at present, the industry, if started in Mysore, might have good prospects.

The sense of the meeting was that Mr. S. G. Sastry migh be requested to send a detailed scheme for the consideration of the Board.

8. Formation of a Board of Economic Enquiry in Mysore on the lines of the Punjab Board.

This question was deferred for consideration at the next meeting.

V. VENKATACHAR,
Secretary

N. MADHAVA RAU,
Chairman.

Meeting of the Committee appointed by Government to enquire into and report on the improvements to be made in the cultivation and marketing of commercial crops like cotton groundnut and tobacco in the Chitaldrug District, held on the 16th March 1938.

RESOLUTIONS ADOPTED.

1. That this Sub-Committee is of the opinion that having regard to the trade conditions in commercial crops such as Cotton, Groundnut and Tobacco and in order to prevent malpractices and secure fair dealings for growers, buyers and sellers alike, time is ripe for the constitution of Regulated Markets at Chitaldrug and Davangere, to begin with, and the draft bill framed for this purpose be recommended to the Board of Industries and Commerce for adoption and needful further action.
2. That this Sub-Committee views with great concern the serious proportions that the cultivation of Bokda cotton has assumed and their reactions on the cotton trade and reputation of Mysore cotton and recommends that legislation providing for the prohibition of the cultivation of and trading in inferior and undesirable varieties of cotton such as Bokda and admixing of such cotton with good cotton, is urgently called for.
3. That in view of certain disadvantages that might accrue to the growers and merchants alike, legislation regulating the transport of cotton be deferred but that in order to secure the objective in view, suitable provisions restricting the transport of inferior varieties of cotton be made in the proposed "Cotton Cultivation Control Act."
4. That this Sub-Committee recommends that as the improvement of the cultivation of cotton and other commercial crops is mostly dependent on the distribution of adequate quantity of pure seeds required by the growers, three or four more Co-operative Seed Growers' Associations should be started on the model of the Co-operative Society now working at Maradihalli.
5. That the Director of Agriculture may be requested to take action to extend the cultivation of tobacco in the Babbur area and also to arrange for experimental plots in and near Babbur area so that if the results of the experiments proved satisfactory, the Mysore Tobacco Company be moved to open a new centre in the Hiriyur area and construct a barn there.
6. That as regards the marketing of groundnut and tobacco, the Committee is of the opinion that no special legislation is necessary as the proposed " Agricultural Markets Act " is comprehensive providing for the better marketing of all agricultural commodities including groundnut, cotton and tobacco.

V. VENKATACHAR,
Secretary,
Board of Industries and Commerce.

WD 1687—GPB—100—14-4-38

CONFIDENTIAL.

BOARD OF INDUSTRIES AND COMMERCE.

Proceedings of the meeting of the Committee appointed by Government to enquire into and report on the improvements to be made in the cultivation and marketing of commercial crops like cotton, groundnut and tobacco in the Chitaldrug District held at 2 p.m. on Wednesday the 16th March 1938 in the Lagislative Council Hall, Bangalore.

CHAIRMAN.

Rajamantrapravina N. Madhava Rau, Esq. B.A., B.L., Second Member of Council.

PRESENT.

1. Mr. T. G. Rama Iyer, B.A., Director of Agriculture.
2. „ M. S. Ramchendra Rao, B.A., Director of Industries and Commerce.
3. „ M. Navaneetham Naidu, B.A., B.L., Deputy Commissioner, Chitaldrug District.
4. *Lokasevasakta Rao Bahadur* B. K. Garudachar.
5. Mr. T. Chendranna.
6. „ Mahomad Imam, B.A., B.L., President, District Board, Chitaldrug.
7. „ P. S. Sirur, Manager, Ginning and Pressing Factory, Chitaldrug.
8. „ D. H. Chendrasekharaiah, B.A., LL.B., Advocate, Chitaldrug.
9. „ Gundappa S. Kurupad, B.A., Assistant Director of Agriculture.
10. „ V. Venkatachar, M.A., B.COM. (*Secretary*).

ABSENT.

1. Dr. V. K. Badami, L.Ag., Ph.D., Deputy Director of Agriculture.

The Chairman referred to the proceedings of the Committee held on the 25th September 1937 and the conclusions then reached, namely (1) that legislation be introduced providing for the establishment of Regulated Markets and details of legislative measures be worked out, (2) that the question of the supply and distribution of adequate quantity of pure seeds by Co-operative Societies with the assistance of the Agricultural Department be considered and (3) that legislation be undertaken prohibiting the cultivation or use of inferior varieties of cotton. He said that in pursuance of the above resolutions, the Director of Industries and Commerce and the Director of Agriculture had collected detailed information in regard to the measures taken by different Provincial and State Governments to improve the cultivation and marketing of commercial crops and had prepared certain draft bills for the consideration of the Committee. A note on this subject had also been circulated to the members.

The Director of Industries and Commerce explained briefly the important provisions of the proposed Agricultural Markets Bill. He said that in order to ascertain the views of the cotton, groundnut and tobacco merchants in regard to the proposed legislation on commercial crops, he met the merchants at Davangere and Chitaldurg in February 1938 and discussed the matter with them. They were generally agreed that legislative action was necessary, having regard to the present conditions of trade in commercial crops, particularly cotton, to maintain the

reputation of Mysore cotton, which was fast deteriorating in quality, on account of the cultivation and admixture of inferior and undesirable varieties of cotton, and to regularise the transactions and secure fair and square dealing to all the parties concerned, *viz.*, grower, seller and buyer.

In order to secure the cultivation of only good varieties of cotton and better marketing methods, the consideration of the following draft bills was taken up:

(1) "The Mysore Agricultural Markets Bill" a comprehensive bill providing for regulating transactions in agricultural produce in general and for the constitution of Regulated Markets for the purpose.

(2) "Cotton Cultivation Control Act" providing for the prohibition of cultivation, possession of and trading in inferior varieties of cotton, and

(3) "Cotton Transport Control Act" providing for the prohibition of the transport of inferior types of cotton".

The principles underlying the above bills met with general approval and the Committee was of the unanimous opinion that in order to put an end to malpractices at present prevalent in the cultivation and trade of commercial crops legislation on the above lines was necessary.

The details connected with the above bills were next considered.

Mr. T. Chendranna said that in the proposed "Agricultural Markets Bill," representatives of growers would form half the number of the Market Committee the remaining 50 per cent of the seats being shared by merchants and brokers. This would be disadvantageous to the merchants as they would be reduced to a minority. He suggested that one-third of the number of seats on the Market Committee may be allotted to each section of the people concerned, namely, the growers, the brokers and the merchants.

The Director of Industries and Commerce replied that the present provision was not unsatisfactory since the merchants and brokers together would form 50 per cent of the number of members. The Secretary also pointed out that in Central Provinces and other provinces where Regulated Markets had already been established 50 per cent of the members were growers and this system was working satisfactorily.

The Chairman remarked that Mr. Chendranna's suggestion may however, be kept in mind while considering the bill.

Mr. D. H. Chendrasekhariah referred to the question of funds necessary to bring the propcsed Regulated Markets into being at Davangere and Chitaldrug and said that unless Government rendered the necessary financial assistance, it may be difficult to establish and run the Regulated Markets.

The Director of Industries and Commerce said that the question of funds did not present difficulty in view of the fact that the merchants at Chitaldrug and Davangere had agreed at the meetings to start the Regulated Markets on a voluntary basis, in some temporary building to begin with and from the rent on space, etc., realised, the proposed Markets could be made self-supporting.

Mr. D. H. Chendrasekhariah observed that in order to regulate the working of these markets on satisfactory lines in the initial stages it may not be desirable to entrust the management to Municipality but that Government should in some way or other directly associate themselves with the working of the proposed Markets.

The Chairman remarked that the Municipality will have nothing to do with the administration of market but that a separate Committee as sanctioned by the Act would be entrusted with this work.

Mr. Imam enquired if it was proposed to start Regulated Markets at each of the places, namely, one at Davangere and the other at Chitaldrug. The Chairman said that it was so.

After further discussion, it was resolved—

That this Sub-Committee is of the opinion that having regard to the trade conditions in commercial crops—cotton, groundnut and tobacco—and in order to prevent malpractices and secure fair dealings for growers, buyers and sellers alike, time is ripe for the constitution of Regulated Markets at Chitaldrug and Davangere, to begin with, and the draft bill framed for this purpose be recommended to the Board of Industries and Commerce for adoption and needful further action.

The question of Cotton cultivation control was then considered. It was generally felt that the advent of inferior and undesirable varieties of cotton particularly Bokda cotton had adversely affected the purity and reputation of Mysore cotton and brought about a decline in trade in this line. Messrs. Sirur and Chendranna expressed that inferior varieties as Bokda were used by some unscrupulous merchants for purposes of admixing them with pure cotton and thus the cultivators were encouraged to grow such undesirable varieties and that it was necessary to prohibit their cultivation *in toto*.

The Director of Agriculture said that in view of the very encouraging results that the experiments with selection 69 and H. 190 had yielded and in view of the absolute necessity to produce only quality cotton in the interest of trade, malpractices obtaining in the cultivation and trading of cotton should be stopped. He further said that the Department of Agriculture was doing its best to increase the supply of pure seeds and would spare no pains to meet the demand of growers for pure seeds.

All the members concurred in the views of the Director of Agriculture and it was resolved:

That this Sub-Committee views with great concern the serious proportions that the cultivation of Bokda cotton has assumed and their reactions on the Cotton trade and reputation of Mysore Cotton and recommends that legislation providing for the prohibition and of the cultivation of and trading in inferior and undesirable varieties of cotton such as Bokda and admixing of such cotton with good cotton, is urgently called for.

As regards the proposed "Cotton Transport Control Act," the Director of Industries and Commerce, expressed that at the meetings he held at Chitaldrug and Davangere, the merchants felt that this Act might operate as a hardship on the growers. Mr. Chendranna and others said they too might suffer by this Act as this might disable the merchants from getting some good varieties of cotton which they were now importing from Hubli, Dharwar, etc.

The Chairman observed that no restriction was contemplated in respect of good cotton.

The Director of Industries and Commerce pointed out in this connection the difficulties of enforcing such an Act in view of the fact that the bulk of the transport was now going on by road and the control of such transport might involve large expenditure. After further discussion, the Committee resolved:

That in view of certain disadvantages that might accrue to the growers and merchants alike, legislation regulating the transport of cotton be deferred but that in order to secure the objective in view, suitable provisions restricting the transport of inferior varieties of cotton be made in the proposed "Cotton Cultivation Control Act."

The Committee then considered the question of the supply of adequate quantity of pure seeds. The Director of Agriculture said that the Mardihalli Co-operative Society was working well and has been distributing pure seeds to a large number of growers within its influence and has also been financing them, taking in return the produce grown by them. It was necessary to increase the number of such societies. All the members agreed with the view and the following resolution was adopted:

That this Sub-Committee recommends that as the improvement of the cultivation of cotton and other commercial crops is mostly dependent on the distribution of adequate quantity of pure seeds required by the growers, three or four more Co-operative Seed Growers' Associations should be started on the model of the Co-operative Society now working at Mardihalli.

As regards the Cotton Ginning and Pressing Factories Act, the sense of the meeting was that the Act already in force should be better enforced, which could be done by the enactment of the complementary legislation on the lines indicated above.

The question of the cultivation of groundnut and tobacco was then considered.

The Director of Agriculture said that the Spanish variety of groundnut had established itself in Chitaldrug District and that Natal and Coramandel varieties grown were also good and that the only action called for to further improve the seeds was to try special selection experiments as in the case of cotton. The Committee concurred in the views of the Director of Agriculture and requested that the selection experiments mentioned may be tried.

As regards tobacco, the Director of Agriculture said that from the curings of the "Harrison Special" tobacco grown on the Babbur Farm, there was scope to extend the cultivation of tobacco in that area. After further discussion the following resolution was adopted

That the Director of Agriculture may be requested to take action to extend the cultivation of tobacco in the Babbur area and also to arrange for experimental lots in and near Babbur area so that if the results of the experiments proved satisfactory, the Mysore Tobacco Co., be moved to open a new centre in the Sirivur area and construct a barn there.

As regards the marketing of groundnut and tobacco, the Committee was of the opinion that no special legislation was necessary as the proposed "Agricultural Markets Act" was comprehensive providing for the better marketing of all agricultural commodities including groundnut, cotton, tobacco, etc.

The Chairman, in his concluding remarks said that in pursuance of Mr. D. H. Chendrasekharaiah's resolution adopted at the session of the Legislative Council (January 1937), the question of improving the cultivation and marketing of commercial crops had been considered by the Committee in great detail at its two meetings and that the draft bills recommended by the Committee embodying the legislative measures considered necessary to secure the objective in view, would after approval of the Board of Industries and Commerce and Government be placed before the next session of the Representative Assembly.

The Chairman thanked the members for their co-operation and valuable suggestions.

The meeting then terminated.

V. VENKATACHAR,
Secretary.

N. MADHAVA RAU,
Chairman.

SUBJECT:- MEETING OF THE SUB-COMMITTEE OF THE BOARD OF INDUSTRIES AND COMMERCE FOR THE CONSIDERATION OF THE PROBLEMS OF CULTIVATION AND MARKETING OF COTTON, GROUNDNUT AND TOBACCO.

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NOTE ON COTTON FOR CIRCULATION AMONG THE MEMBERS.

In the session of the Legislative Council held in January 1937, a resolution was moved by Mr.D.H.Chandrasekharayya recommending the formation of a committee to study the problems of cultivation of cotton, groundnut and tobacco in the State and specially in Chitaldurg district and to suggest ways and means of improving their cultivation. Government conceded the necessity of an investigation and referred the matter to the Director of Industries and Commerce who in June 1937 submitted proposals for the constitution of a Sub-Committee whose recommendations were to be considered by the Board of Industries and Commerce.

In accordance with the Director's proposals the Government in their Order No.8774-84/A&E.123-36-10 dated 24th June 1937 constituted the Sub-Committee comprising the following officers and non-official gentlemen:-

1. The Second Member of Council and Chairman Board of Industries and Commerce - as Chairman of the Sub-Committee.
2. The Director of Industries and Commerce.
3. The Director of Agriculture.
4. Dr. V.K. Badami.
5. Mr. D.H.Chandrasekharayya.
6. " J.Md. Imam.
7. " T. Chandranna.
8. Rao Bahadur Mr. B.K. Garudachar.
9. " P.S. Sirur.

with the Secretary of the Board of Industries and Commerce as the Secretary of the Sub-Committee. Subsequently Government in their Order No. dated nominated the Deputy Commissioner, Chitaldurg also as a member of this Committee.

The Sub-Committee met on the 25th September 1937 and held preliminary discussion over all the relevant problems. The conclusions reached at that meeting were as follows:-

1. It was unanimously agreed that the necessary legislation should be introduced providing for the establishment of Regulated Markets and that details of the legislative measures should be worked out and placed before the committee at its next meeting.

2. It was agreed that the committee should consider in detail whether the supply and distribution of seeds should be under taken by one or more co-operative societies to be started hereafter or by any other organisation formed for the purpose with the aid of the Agricultural Department.

3. It was also agreed that legislation to eliminate the cultivation, possession and use of the inferior variety of cotton should be introduced.

Before taking up the consideration of the details of the recommended legislation, it is perhaps necessary to take stock of the existing position in regard to:-

(a) Cultivation of cotton - varieties of cotton grown in the State and attempts made towards the improvement of the local cottons through the distribution of improved seed.

(b) Marketing of the cotton - nature and extent to which unregulated conditions have affected the cotton trade.

Two varieties of cotton are cultivated in the State - Sannahatti, corresponding to the commercial Kumpta type on black cotton soils and Doddahatti corresponding to the commercial 'Upland' type on red soils. The former

former belong to the class of " Old world " cottons and the latter to "New world" cottons.

The present position in regard to seed supply is that the cultivators usually get their seed from the merchants to whom or through whom they are obliged to sell the cotton. The merchants get their stocks of seeds from their gins where no attempt whatsoever is made to keep or isolate pure strains on the contrary, different kinds are mixed up for trade purposes. These mixtures are entirely empirical. Good and bad varieties are mixed up indiscriminately and there is as a consequence progressive deterioration.

In the marketing of cotton, too, this habit of admixture of different qualities persists. The trade samples made up by the merchants are again empirical and they are highly variable. There is nothing like a standard quality. During the last few years a very inferior kind of cotton - Bokda cotton which has a good colour and is a good yielder but with a very poor staple has come into prevalence, mainly because it comes in handy for admixture with good cotton and because the variety gives a better bulk yield per acre to the cultivator. But it has had a most deleterious effect on the reputation of the market. In fact, large buyers of cotton who judge by yarn-strength have almost ceased buying from the Davanagere market.

Any measure therefore to improve the conditions of cotton cultivation and trade in the State must be two-fold:-

i. Evolution of improved varieties and organisation for extensive distribution of the improved seed.

ii. Regulation of the conditions under which the cotton is prepared for the market and sold.

In respect of the former, the Department of Agricul

Agriculture has been at work since 1917. Through simple selection, a variety named "Selection 69" which has been acknowledged to be superior to the local "Sannahattis" has been evolved. During the last five years 19,421 maunds of this seed have been distributed to cultivators. Through hybridisation a variety named H.190 has been evolved which has been recognised by technologists and mill owners to be very superior and to compare favourably with the best Cambodia, Jayawant, Hagari, etc., 112 maunds of seed of this variety have been distributed during the last two years.

Experiments are also being conducted with a view to evolve a plant which is resistent to the diseases of Wilt and Red leaf Blight. Results achieved so far, though tentative are very promising.

Though the Department has evolved two good varieti of improved seed, it has not been possible to distribute it as extensively as it is desirable. The absence of any special organization with ramification all over the cotton area, to grow extensively and distribute the improved seeds is a great handicap. There are a few co-operative societies like the Mardihalli Co-operative Society which have been doing good work in this direction. But the scope and range of operations are essentially limited. They need to be expanded and an organisation with ramifications all over the cotton growing areas in the State has to be brough into being. The lines on which this may be done have been indicated by the Director of Agriculture who has suggested that a co-operative seed growers' Association may be forme for this purpose.

The main features of the proposed Association are

1. The membership is restricted to persons who undertake to put in at least 25 acres every year under cotton.

2. The members have to sow the seed supplied by the Department and all operations have to be carried out under the direction of the Agricultural officers.

3. The whole produce will be kept pure and separate and will be taken to such centres as may be specified by the Agricultural Department.

4. The seed obtained from the above will be available to the Agricultural Department for purposes of distribution. The seed will be bought by the Department at rates slightly higher than the ruling market rates.

5. The management of the Association will rest with a committee consisting of the Assistant Director of Agriculture, the Agriculture Inspector with the Co-operative Inspector and five Directors from among the members.

6. The shares of the society will be of the face value of Rs.10/-

The arrangements for the supply of improved seed will only be fully effective if they are followed up by legislation,

i to prevent the importation into the cotton growing area in the State, of any inferiror variety of seed;

ii to prohibit the cultivation of inferior varieties of cotton;

iii to regulate the working of the cotton ginning and pressing factories;

iv to establish properly organised and regulated markets.

Legislative enactments relating to the above are in operation in various parts of India, like, Bombay, Hyderabad, Central Provinces, and Madras. Bills for enactment of similar legislation in Mysore have been drawn up on the model of the Bombay series and will be placed before the members of at the meeting.

The Cotton Transport Control Act is an enabling

legislation which has been adopted by the various provinces in British India to apply to certain defined cotton growing areas. The Act enables the restriction and control of transport by rail and the import by road, river or rail, into certain defined areas of some specified variety of cotton or cotton seed. This is achieved by the grant of licenses which have to be produced before the transport by rail is effected or importation allowed. Such a legislation serves a dual purpose of discouraging the cultivation of inferior varieties of cotton and their admixture with finer varieties during the course of marketing. A draft bill on the lines of the Bombay Cotton Transport Control Act has been prepared for adoption in Mysore and this will be placed before the meeting. The main features of the proposed Act are as follows:-

1. There shall be a definition of the area to which imports of certain specified varieties of cotton or cotton seed shall be prohibited.

2. Into such an area the importation of the specified varieties of cotton or cotton seed shall not be allowed without the production of a license which has to accompany the invoice when the consignment is booked by rail.

3. The Station Master of any station in the protected area shall not allow any consignment of the prohibited class of cotton or cotton seed to be delivered to any person in the protected area without having previously satisfied himself about the possession of the prescribed license by the consigner and consignee.

4. The contravention of the above clause involves both the Station Master and the person also who takes delivery of the cotton in a liability to a fine not exceeding a thousand rupees and to imprisonment which may extent to 3 months in case of subsequent conviction. At the discretion of the Government, the cotton may be ordered to be forfeited to Government.

5. These provisions shall apply as well to the transport of the cotton in the protected area and not merely to the imports into the protected area.

The next piece of legislation which will have to be enacted is the "Cotton Cultivation Control Act" which will

will provide for the prohibition of the cultivation of "Bokda" cotton and the mixing of such cotton with other cotton and the trade in such "mixed" cotton. It may here be remarked that this problem of Bokda cotton has been assuming serious proportions since the last few years. "Bokda" cotton (Gossypium Herbacium) has a good colour, but it is of a very short staple and has very poor spinnin qualities. But what makes it very attractive to the cultivator is its extreme hardiness and high ginning percentage.

Bokda cotton Ginning percentage.	40 per cent to 42 per cent
Sannhatti Ginning percentage.	20 per cent to 25 per cent

The admixture of this cotton with the better varieties of cotton grown locally like the cotton in Banavar area is most deleterious and tends permanently to lower the reputation of the growing area. A draft bill to prevent cultivation of inferior cotton as recommended by the Director of Agriculture will be placed before the meeting.

The main features of the proposed Act are:-

1. The area to which this Act is applicable shall be defined.
2. The Act provides for the prohibition of the cultivation of Bokda cotton.
3. Admixture of Bokda cotton with any other cotton is prohibited.
4. The Act also prohibits trade in Bokda cotton or any other cotton mixed with Bokda cotton.
5. Any person or persons cultivating Bokda cotton in contravention of the provisions of this Act shall be liable to a fine extending to Rs.20/- for the first offence and to Rs.50/- for the subsequent offences.
6. Any person who mixes Bokda cotton with other cotton or trades in such admixtures shall be liable to a fine that may extend to Rs.500/- for the first offence and to Rs.1000/- for subsequen offences.

7. All cotton in respect of which the offences detailed above have been committeed, and any receptacles, boxes or packages in which such cotton is contained shall be liable for confiscation.

The third in the series of legislation is the Act to regulate the working of Cotton Ginning and Pressing Factories. There is already cotton ginning and pressing factories Act in the State since 1929 - Act II of 1929 is apparently not quite effective on account of the lack of the complementary legislation such as been detailed above. A rigorous enforcement of the existing law is all that is called for in this respect.

The further piece of legislation which will round off the proposed methods of improving the cotton industry is that which provides for the constitution of Regulated Markets. A draft bill has been prepared by the Director of Industries and Commerce for this purpose and will be placed before the meeting for consideration. The proposed Mysore Agricultural Markets Bill is a comprehensive piece of legislation covering all agricultural commodities including cotton. The above bill has been drafted incorporating the main features of the Acts in force in Central Provinces and Berar, Bombay and Hyderabad. It may be mentioned in this connection that the Director of Industries and Commerce met the merchants of Davangere and Chitaldurg at meetings convened for the purpose of obtaining the views of the merchants dealing in cotton and groundnuts on the proposed bill for establishing Regulated Markets and that the merchants in both the places generally approved of the proposed measure. They have also agreed to take necessary action to start regulated markets on a voluntary basis in their respective areas even before the proposed bill becomes law. The main features of this bill are:-

The main features of this bill are:-

1. It provides for the establishment of markets for cotton and other agricultural produce on a statutory basis.

2. The management of the market will be entrusted to a Market Committee of whose number not less than half shall be persons elected by or nominated from among the growers of agricultural produce.

3. All brokers, weighmen, measures, surveyors, warehousemen and other persons operating in such a market should take out a license issued by the Committee, and the licensés should abide by certain conditions prescribed in this connection.

4. The place or places at which cotton or other agricultural produce shall be weighed or measured and the kind and description of the scales weights and measures to be used at such place or places will be defined.

5. All scales, weights and measures in use in the market will periodically be inspected by proper authorities.

6. The Act prohibits the making or receiving by any person of any trade allowance in any transaction in the market other than an allowance prescribed by Rules or Bye-laws under the Act.

7. The Act provides for the settlement by arbitration of all disputes between buyers and sellers regarding the quality or weight of cotton or other agricultural produce bought and sold, the price or rate to be paid, the allowance for wrappings, dirt or impurities or deductions for any other cause.

8. The Act prohibits the brokers from acting on behalf of both the buyer and seller in any transaction.

9. The provision of store arrangements etc., for cotton or agricultural produce etc., will also be provided for under the Act.

The following points are for the consideration of the Committee:-

(1) Whether the proposed bills for controlling the cultivation and transport of cotton and for establishing Regulated Markets be recommended to Government for adoption.

(2) Whether the formation of a co-operative seed Growers' Association on the lines recommended by the Director of Agriculture be recommened Government.

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Statement of general principles of the bill to provide for the establishment and better regulation of Agricultural Markets in the Mysore State.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties". They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic and fraudulent practices in the marketing of agricultural produce the cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation has not already been introduced.

A similar recommendation has been made with reference to cotton in the Chitaldrug District, by a sub committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that Dist[illegible]

It is believed that the cotton growers and ~~most~~ many of the merchants in cotton in the State also favour such legislation.

Government propose to introduce at the next session of the Legislative Council a bill on the lines of the accompanying draft, with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the bill, Government may after consulting the local bodies concerned declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a committee in the composition of which the representatives of the growers as well as of the traders in the market ~~would~~ will be represented. The committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulating transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed.

such sanction. It is,however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

DRAFT BILL.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND THE BETTER REGULATION OF AGRICULTURAL MARKETS IN MYSORE STATE.

...

Preamble.

Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets, it is hereby enacted as follows:-

Short Title.

1. This Act may be called the Mysore Agricultural Produce Market Act, 1938.

Extent and commencement.

2. It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

3. In this Act, unless there is any thing repugnant in the subject or context; -

(a) "Agricultural Produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of His Highness the Maharaja of Mysoreby notification in the Official Gazette to be agricultural produce for the purpose of this Act.

(b) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

(c) "Market" means a market established under Section 4.

(d) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the Deputy Commissioner of the District in which the person permanently resides shall be final

(d) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

(e) "Notified area" means an area notified under Section 4.

(f) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

Notification regarding the establishment of an agricultural produce or cotton market.

4.(1) The Government may, after consulting the District Board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the Official Gazette, declare that any place shall be a market established under this Act either for agricultural produce or for cotton or for both.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

"The Market Committee".

5. For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the District Board of the District in which the market for cotton or agricultural produce is situated one by the Municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the Market Committee to enforce the provisions of this Act and the Rules and Bye-laws made thereunder in such notified area, for the

purpose of regulating the purchase and sale of agricultural produce.

Rules". 6.(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate:-

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the Chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the Chairman of the Committee;

(v) the management of the market and the prescribing of the fees by the market committee and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the

conditions under which such licences shall be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of the scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market.

(x) the ~~profession~~ provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same.

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly

or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction and the reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee;

(xviii) generally for the guidance of the markets committee;

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

(4) a. All rules made under this section shall be subject to previous publication.

b. Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

Bye laws.

7. Subject to any rules made by the Government under the last preceding section and with the previous sanction of such officer as may be appointed by Government in this behalf the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

Sub-Committees and joint committees and delegation of powers.

8. The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own -- powers as may be necessary.

Appointments and salaries of servants of the Market Committee.

9. (1) Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The Committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government

Contracts how executed.

10. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the Chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

The Market Committee Fund.

11. (1) All monies received by a market committee shall be paid into a fund to be called the "Market

Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every Market Committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the Committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any Market Committee shall be final.

Purpose for which the market committee's Fund may be expended.

12. Subject to the provisions of section 11, the market committee fund shall be expended for the following purposes only:-

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee and;

(iv) the expenses of and incidental to elections

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural [illegible] concerned.

(ix) propaganda in favour of agricultural improvement and thrift.

No trade allowance not recognised by customs or rules allowable.

13. No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation:- Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Market Committee to be a body corporate.

14. Every market committee shall be a body corporate by the name of the "The Market Committee of..... .....and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

Power to Borrow.

15. (1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The Committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required

for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

Supersession of Market Committee.

16(1) If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, Government may, by an order published in the official gazette, declare such market committee to be imcompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it.

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded the Government may, at their discretion, by order, either constitute a new committee under section 5, or make such arrangements for the carrying out of the functions of the committee as the Government think fit.

(4) When a market committee has been superseded all property and rights vested in it shall, subject to all charges and liabilities affecting the same vest in Government.

Provided that if the Government make an order under sub-section 3, they shall transfer the assets and liabilities of the market committee as on the date

of such transfer, to the new committee constituted under Section 5 or to the person or persons, if any, appointed for carrying out the functions of the committee, as the case may be.

Provided further that if no new market committee is constituted for the market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

Any local authority to which any assets have been transferred under the latter proviso shall employ such assets for any object of public utility in the area within its jurisdiction.

No private market to be opened in or near places declared to be markets.

17. Wherever the Government has, by a notification under section 4, declared any place to be a market no person shall, within the limits of such market or within a distance thereof to be notified in the official gazette in this behalf in each case by Government, except with the sanction in writing of the Government and expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce as the case may be.

Explanation:- A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.

Penalties.

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued a market for the purpose of the purchase and sale of cotton or agricultural produce or violates the condition under which he has been allowed to set up, establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs.500/- and in case of a continuing breach of the provisions of section 17, with fine which may extend to Rs.100/- for each day after the first, during which the breach continues.

Offences to be triable only by a First Class Magistrate.

19(i) No offence under this Act or under any rule made under section 6 or under any bye-laws made under section 7 shall be triable by a magistrate other than a magistrate of the First Class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by ~~some~~ officer designated by Government in this behalf.

20. With the previous sanction of the Government which may be accorded by general of special order, the .....of the district may, by an order in writing, delegate to any executive officer, not below the rank of a ....., all or any of his powers or duties under this Act or the rules framed thereunder.....~~Collector, Deputy Commissioner or Magistrate as the case may be~~.

KS/ 7-9-38

॥ ಓಂ ॥

ದಿ ದಾವಣಗೆರೆ ಟ್ರೇಡ್ಸ್ ಅಸೋಸಿಯೇಷನ್

ದಾವಣಗೆರೆ

ಇದುವರೆಗೂ ದಾವಣಗೆರೆಯಲ್ಲಿ ಒಂದು ನಿರ್ಣಯವಿಲ್ಲದೆ ಅನೇಕ ತರಹೆಯಲ್ಲಿ ತೂಕ ಮತ್ತು ದಲಾಲಿ ವಗೈರೆ ಖರ್ಚುಗಳು ಇದ್ದುದರಿಂದ ವ್ಯಾಪಾರದಲ್ಲಿ ಆಗುತ್ತಿದ್ದ ಅನೇಕ ತೊಂದರೆಗಳನ್ನು ಗಮನಿಸಿ ಎಲ್ಲರಿಗೂ ಅನುಕೂಲವಾಗುವಂತೆ ತೂಕ ಮತ್ತು ದಲಾಲಿ ವಗೈರೆ ಖರ್ಚುಗಳ ಬಾಬುಗಳನ್ನು ಈ ಕೆಳಗೆ ವಿವರಿಸಿರುವ ರೀತಿಯಲ್ಲಿ ಜಾರಿಗೆ ತರಬೇಕೆಂದು, ದಾವಣಗೆರೆಯ ಟ್ರೇಡ್ಸ್ ಅಸೋಸಿಯೇಷನವರು ತಾ. **5-9-38** ರಲ್ಲಿ ಅಸೋಸಿಯೇಷನ್ನಿನ ಆಫೀಸಿನಲ್ಲಿ ಜನರಲ್‌ಮೀಟಿಂಗ್ ಸೇರಿ ತೀರ್ಮಾನಮಾಡಿರುತ್ತಾರೆ.

1. ಸೇಂಗಾ ಮಾರಾಟಕ್ಕೆ ದಲಾಲಿ ವಗೈರೆ ಖರ್ಚುಗಳು ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿರತಕ್ಕದ್ದು :—

			ರೂ. ಆ. ಪೈ.	
(a)	ಸೇಂಗ ಎಂಟು ಮಣದ ಸಟ್ಟ	1 ಕ್ಕೆ	0—4—0	ದಲಾಲಿ
	,,	,,	0—0—11	ಹಮಾಲಿ
	,,	,,	0—0—9	ಖಾಲಿಚೀಲದ ಬಾಡಿಗೆ
	,,	,,	0—0—2	ಪಕ್ಕಿ
	,,	,,	0—0—1	ಧರ್ಮ
	,,	,,	0—0—1	ರುಸುಮು
			0—6—0	ಅಂತು

(b) ಸೇಂಗ ಮಾರಾಟದವರು ಅವರ ಸ್ವಂತ ಖಾಲಿ ಚೀಲಗಳಲ್ಲಿ ಅಥವಾ ಭೋರಾ ಗಾಡಿಗಳಲ್ಲಿ ಮೂಲು ತಂದರೆ 8 ಮಣದ ಸಟ್ಟ 1 ಕ್ಕೆ 9 ಕಾಸಿನಂತೆ ಖಾಲಿಚೀಲದ ಬಾಡಿಗೆಯನ್ನು ವಾಪಾಸು ಕೊಡತಕ್ಕದ್ದು.

(c) ಸೇಂಗ ಸ್ಯಾಂಪಲ್ಲುಗಳನ್ನು ಖರೀದಿದಾರರು ಒಂದೇ ಸಾರಿ ತೆಗೆದುಕೊಂಡು ಹೋಗತಕ್ಕದ್ದು.

(d) ಮೇಲ್ಕಂಡ ನಿರ್ಣಯಗಳು ಇದೇ ಹೊಸ ಸೇಂಗಸುಗ್ಗಿಯಿಂದ ಜಾರಿಗೆಬರತಕ್ಕದ್ದು.

2. ರಾಗಿ, ಜೋಳ ವಗೈರೆ ಮಾಲಿಗೆ ಮಾಲು ತಂದವರಿಗೆ ದಲಾಲಿ ವಗೈರೆ ಖರ್ಚುಗಳು ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿರತಕ್ಕದ್ದು :—

100 ರೂಪಾಯಿಗೆ	2—0—0	ಸಂತೆ ದಲಾಲಿ		ಚೀಲ 1 ಕ್ಕೆ	0—0—6	ಹಮಾಲಿ
ಚೀಲ 1 ಕ್ಕೆ	0—0—3	ಖಾಲಿ ಚೀಲದ ಬಾಡಿಗೆ		ಗಾಡಿ 1 ಕ್ಕೆ	0—1—0	ಧರ್ಮ
ಗಾಡಿ 1 ಕ್ಕೆ	0—1—0	ರುಸುಮು				

3. ಹತ್ತಿ, ಅರಳೆ, ಮೆಣಸಿನಕಾಯಿ, ನಾರು ಮತ್ತು ಹುಣಸೆಹಂಣು ಈ ಮಾಲುಗಳ ತೂಕವು 28 lb. ತೂಕವಿರುವ ಒಂದು ಮಣಕ್ಕೆ ಇರತಕ್ಕದ್ದು.

4. ಬೆಲ್ಲ, ತಂಬಾಕು, ನೀರುಳ್ಳಿ, ಬೆಳ್ಳುಳ್ಳಿ ಈ ಮಾಲುಗಳ ತೂಕವು 960 ತೊಲ ತೂಕದ ಒಂದು ಮಣಕ್ಕೆ ಇರತಕ್ಕದ್ದು.

5. 100 ರೂಪಾಯಿಗೆ ಹತ್ತಿಗೆ ರೂ. 2-0-0 ದಲಾಲಿಯನ್ನು ಮತ್ತು ಅರಳಿಗೆ ರೂ. 1-4-0 ದಲಾಲಿಯನ್ನು ಹಾಕತಕ್ಕದ್ದು.

ಹತ್ತಿ ಬಾರದಾನು ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿರತಕ್ಕದ್ದು :—

(a) ನಾಲ್ಕು ಹಾಳೆ ಬಟಾರ ತ್ಯಾಪಿ, ರವು, ಗಾಲಿ ಹತ್ತಿ ಹರಿಯಸೆ ಇದ್ದ ಬಟಾರ 1 ಕ್ಕೆ 12 ಪೌಂಡು ಬಾರುದಾನು ಇರತಕ್ಕದ್ದು. ತ್ಯಾಪಿ, ರವು ಗಾಲಿಹತ್ತಿ ಹರಿದಿದ್ದು ಇರುವ ಭಾಗದಲ್ಲಿ ಹಾಳೆ 1 ಕ್ಕೆ 1 ಪೌಂಡು ಬಾರುದಾನು ವಜಾ ಮಾಡಿಕೊಡತಕ್ಕದ್ದು. ನಾಲ್ಕು ಹಾಳೆಗಳು ಈ ರೀತಿ ಎಲ್ಲವೂ ಇರುವ ಭಾಗದಲ್ಲಿ 5 ಪೌಂಡು ವಜಾ ಕೊಡತಕ್ಕದ್ದು. 15 ಮಣದ ಮೇಲ್ಪಟ್ಟ ಪ್ರತಿಯೊಂದು ಮಣದ ಮತ್ತು ಮಣದ ಭಾಗಕ್ಕೂ 1 ಪೌಂಡಿನಂತೆ ಬಾರುದಾನು ವಜಾಮಾಡಿ ಕೊಡಬೇಕು.

ಅರಳೆ ಬಾರುದಾನು ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿರತಕ್ಕದ್ದು :—

(b) ನಾಲ್ಕು ಹಾಳೆ ಬಟಾರ ತ್ಯಾಪಿ, ರವು ಗಾಲಿ ಹತ್ತಿ ಹರಿಯದೆ ಇದ್ದ ಬಟಾರ 1 ಕ್ಕೆ 10 ಪೌಂಡು ಬಾರುದಾನು ಇರತಕ್ಕದ್ದು. 5 ಹಾಳೆಗಳ ಬಟಾರ ಇದ್ದರೆ 3 ಪೌಂಡು ಹೆಚ್ಚಿಗೆ ಕೊಡತಕ್ಕದ್ದು. ತ್ಯಾಪಿ, ರವು, ಗಾಲಿಹತ್ತಿ ಹರಿದಿದ್ದು ಇದ್ದ ಭಾಗದಲ್ಲಿ ಹಾಳೆ 1 ಕ್ಕೆ 1 ಪೌಂಡು ಬಾರುದಾನು ವಜಾಮಾಡಿ ಕೊಡತಕ್ಕದ್ದು. ನಾಲ್ಕು ಹಾಳೆಗಳು ಈ ರೀತಿ ಎಲ್ಲವೂ ಇರುವ ಭಾಗದಲ್ಲಿ 5 ಪೌಂಡು ವಜಾ ಕೊಡತಕ್ಕದ್ದು.

(c) ಹತ್ತಿ, ಅರಳೆ, ತೂಕದಲ್ಲಿ ಬಂದು ಪೌಂಡಿನ ತೂಕದ ಕಲ್ಲು ಸಹ ಹಚ್ಚಿ ತೂಗತಕ್ಕದ್ದು. ಕಟಾಕಟಿ ಬಂದರೆ ಬಂದು ಪೌಂಡು ಬಿಡತಕ್ಕದ್ದು.

6. ಮೆಣಸಿನಕಾಯಿಗೆ ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿ ಖರ್ಚು ಇರತಕ್ಕದ್ದು :—

(a)	100 ರೂ. ಗೆ	2—0—0	ದಲಾಲಿ	ಗಾಡಿ 1 ಕ್ಕೆ	0—1—0	ಧರ್ಮ
	ಗಾಡಿ 1 ಕ್ಕೆ	0—1—0	ರುಸುಂ	ಅಂಡಿಗಿ 1 ಕ್ಕೆ	0—0—6	ಹಮಾಲಿ
	ಅಂಡಿಗೆ 1 ಕ್ಕೆ 1½ ಸೇರು ಚಿಂತಾಲು					

ಮೆಣಸಿನಕಾಯಿ ಬಾರದಾನು ಈ ಕೆಳಗೆ ಕಂಡ ರೀತಿಯಲ್ಲಿರತಕ್ಕದ್ದು :—

(b) ಪ್ರತಿಯೊಂದು ಮೆಣಸಿನಕಾಯಿ ಅಂಡಿಗೆಗೂ 1 ದಸೆ ಬಾರದಾನು ವಜಾಮಾಡಿ ಕೊ[illegible] 5 ಮಣಕ್ಕಿಂತ ಅಂಡಿಗೆ ತೂಕ ಹೆಚ್ಚಾದ ಭಾಗದಲ್ಲಿ ಮೇಲ್ಪಟ್ಟ ಪ್ರತಿಮಣಕ್ಕೂ ಮತ್ತು ಅದರ ಭಾಗಕ್ಕೂ 1 ಪಂಜೇರಿನಂತೆ ಬಾರದಾನು ವಜಾಮಾಡಿಕೊಡತಕ್ಕದ್ದು.

7. ಹತ್ತಿ, ಅರಳೆ, ಮೆಣಸಿನಕಾಯಿ, ನಾರು, ಹುಣಸಿಹಂಣು, ಬೆಲ್ಲ, ನೀರುಳ್ಳಿ ಮತ್ತು [illegible]ಳ್ಳಿ ಈ ಎಲ್ಲಾ ಮಾಲುಗಳು ಚಿಂತಾಲಿನಿಂದಲೇ ತೂಕ ಮಾಡತಕ್ಕದ್ದು.

ಸೇಂಗಾದ ವಿನಹ ಬಾಕಿ ಎಲ್ಲಾ ಮಾಲಿನ ರಿವಾಜುಗಳು, ಮೇಲೆ ತಿಳಿಸಿರುವ ಪ್ರಕಾರ [illegible] ಸಂವತ್ಸರದ ಕಾರ್ತೀಕ ಶುದ್ಧ ಪ್ರತಿಪದದಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

[illegible], 2. ಕಾಸಲ ಶ್ರೀನಿವಾಸ ಶೆಟ್ಟಿ,
[illegible]ರ್ದರ್ಶಿಗಳು.

ಉರೇಕೊಂಡಿ ಚನ್ನಬಸಪ್ಪನವರು,
ಅಧ್ಯಕ್ಷರು.

DRAFT BILL.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND THE BETTER REGULATION OF AGRICULTURAL MARKETS IN MYSORE STATE.

- o -

Preamble. Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets, it is hereby enacted as follows:-

Short Title. 1. This Act may be called the Mysore Agricultural Market Act, 1938.

Extent and commencement. 2. It extends to the whole of Mysore. It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

Definitions. 3. In this Act, unless there is any thing repugnant in the subject or context; -

'Agricultural Produce' (a) "Agricultural Produce" means any produce of land not being cotton, which is declared by the Government of His Highness the Maharaja of Mysore by notification in the Gazette to be agricultural produce for the purpose of this Act.

"Cotton". (b) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

"Market" (c) "Market" means a market established under Section 4.

"Grower of cotton or other produce." (d) " A Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the Deputy Commissioner of the District in which

which the person permanently resides shall be final.

"Prescribed" (e) "Prescribed" means prescribed by rules or bye-laws made under this Act.

Notification Regarding the establishment of an agricultural produce or cotton market. 4.(1) The Government may, after consulting the District Board and such other local authorities as they deem necessary, or upon a representation made by the ~~District Board~~ by notification in the Official Gazette, declared that any place shall be a market established under this Act either for agricultural produce or for cotton or for both.

(2) Every such notification shall define the limits of the markets so established, and may for the purposes of this Act, include within such limits such local area as the Government may prescribe.

"The Market Committee" 5. For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the District Board of the District in which the market for cotton or agricultural produce is situated, one by the Municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

"Rules." 6.(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate:-

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the Chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other

other other persons using the market, the form in which and the conditions under which such licences shall be issued, and the fees to be charged for such licenses;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured, and the kind and descriptio of the scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verificatio and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made o received by any person in any transactio in a ~~cotton~~ market;

(x) the settlement by arbitration, of all disputes between a buyer and seller of cotton or agricultural produce or their agents regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting o behalf of both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage, arrangements for cotton and agricultural produce;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published;

(xvi) the preparation of an annual budget and its submission for sanction and the reports and returns which shall be furnished by the market committee;

(xvii) the disposal of any surplus funds of the market committee;

(xviii) generally for the guidance of the markets committee;

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Mysore Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a motion of such council tabled at the next session.

Omit-
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Bye-laws.

7. Subject to any rules made by the Government

Government under the last proceding section and with the previous sanction of such officer as may be appointed by Government in this behalf, the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

Sub-Committees and joint committees and delegation of powers.

8. The market committee may appoint ~~one~~ or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

Appointments and salaries of servants of the Market Committee.

9. (1) The market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit. The committee may, in the case of any officer or servant of Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions of gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the Government.

Contracts how executed.

10.(1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the Chairman and two other members of the market committee.

(2)No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

The Market Committee Fund.

11. All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of, this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

Purpose for which the Market Committee's Fund may be expended.

12. Subject to the provisions of section 11, the market committee fund shall be expended for the following purposes only:-

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee and;

(iv) the expenses of and incidental to elections

No trade allowance not recognised by customs or rules allowable.

13. No trade allowance other than an allowance prescribed by rules or bye-laws made under this Act ~~xxxx~~ shall be made or received by any person in any transaction in a market established under this Act and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation:- Every deduction other than deductions on account of deviation from sample when the purcha is made by reference to a sample, or on account of devia tion from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall b regarded as a trade allowance for the purposes of this Act.

Market Committee to be a body corporate.

14. Every market committee shall be a body corporate by the name of "The Market Committee of..... and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose of this Act.

Power to Borrow.

15. (1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act.

(2) The conditions under which such money shal be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

Supersession of Market Committee.

16.(1) If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of, the duties imposed on it by or under this Act, or exceeds or abuses its

its powers, Government may, by an order published in the official gazette, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

(2) When a market committee has been superseded all members of the committee shall as from the date of the order, vacate their offices as members.

(3) When a market committee has been superseded all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

Provided that if no new market committee is constituted for the market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of superseded market committee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

No private market to be opened in or near places declared to be markets.

17. Wherever the Government has, by a notification under section 4, declared any place to be a market, no person shall, within the limits of such market or within a distance thereof to be notified in the official gazette in this behalf in each case by Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce, as the case may be.

Explanation:- A person shall not be deemed to set up, establish or continue or allow to be continued a

a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.

Penalties.

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce or violates the conditions under which he has been allowed to set up, establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs.500/- and in case of a continuing breach of the provisions of section 17, with fine which may extend to Rs.100/- for each day after the first, during which the breach continues.

Offences to be triable only by a First Class Magistrate.

19. No offence under this Act or under any rule made under section 6 or under any bye-laws made under section 7 shall be triable by a magistrate other than a magistrate of the First Class.

(2) All fines and damages recovered from an offender shall be paid to the market committee.

(3) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by some officer designated by Government in this behalf.

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AGRICULTURAL PRODUCE.

GRADING AND MARKING ACT.- 1938.

Act No.I of 1938.

AN ACT TO PROVIDE FOR THE GRADING AND MARKING OF AGRICULTURAL PRODUCE.

Whereas it is expedient to provide for the grading and marking of agricultural produce; it is hereby enacted as follows:-

SHORT TITLE & EXTENT.

I. (1) This Act may be called the Agricultural Produce (Grading and Marking) Act 1938.

EXPLANATIONS.

(2) It extends to the whole of the Mysore State.

2. In this Act unless the contrary appears from the subject or content:-

(a) "Agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;

XLV OF 1860.

(b) "Counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal code;

(c) "Covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(d) "Grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(e) "Grade designation mark" means a mark prescribed as representing a particular grade designation;

(f) "Quality", in relation to any article ~~including~~ includes the state and condition of the article;

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "Scheduled article" means an article included in the schedule; and

(i) an article is said to be marked with a grade designation mark, if the article itself is

(contd)

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(contd)

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itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

PRESCRIPTION OF GRADE DESIGNATION.

3. The Government of Mysore may, after previous publication by notification in the Mysore Gazette, make rules -

(a) fixing grade designations to indicate the quality of any scheduled article;

(b) defining the quality indicated by every grade designation;

(c) specifying grade designation marks to represent particular grade designations;

(d) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

PENALTY FOR UN-AUTHORISED MARKING WITH GRADE DESIGNATION MARK.

(4) Whoever marks any scheduled article with a grade designation mark, not being authorised to so by rule made under section 3, shall be punishable with fine which may extend to five hundred rupees.

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PENALTY FOR COUNTERFEITING GRADE DESIGNATION MARK.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or the instrument for the purpo of counterfeiting a grade designation mark shall be punishable with imprisonment which may exten to two years, or with fine, or with both.

EXTENSION OF APPLICATION OF ACT.

6. The Government of Mysore, after such consultation as they think fit of the interests likely to be affected, may by notification in the Mysore Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the schedule, and on the publication of such notification such article shall be deemed to be included in the schedule.

THE SCHEDULE.

(See section 2)

1) Fruit,
2) Vegetables,
3) Eggs,
4) Tobacco.

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29-3-1938.
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R U L E S.

(I) AGRICULTURAL PRODUCE (GRADING & MARKING)

(GENERAL RULES)

1) These rules may be called the Agricultural Produce (Grading and Marking) (General) Rules, 1938.

2) Any person or body of persons desirous of being authorised to mark any article with a grade designation mark shall apply to the -

Director of Industries and Commerce in My re,
Bangalore.

3) (1) If after due enquiry, the Director of Industries and Commerce is satisfied that it is expedient in the interests of better marketing that the authorisation be granted and that the applicant is a fit and proper person to receive a certificate of authorisation, he shall issue such a certificate to the applicant.

(2) Each certificate shall state -

a) the name and address of the authorised person or body of persons;

b) the articles to which grade designation marks may, under the certificate, be applied;

c) the perodi for which the certificate is valid;d

d) the premises at which alone the grade designation marks may be applied.

4) It shall be a condition of every certificate of authorisation -

a) that grade designation marks shall only be applied to the articles mentioned in the certificate of authorisation and at the premises therein mentioned;

b) that during the opersation of the certificate the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Director of Industries and C erce and shall afford him faciliti for ascertaining that rking is being correctly r rformed;

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b) that during the operation of the certificate the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Director of Industries and Commerce and shall afford him facilities for ascertaining that marking is being correctly performed;

(Contd)

(c) that the holder of the certificate will k p a record of the number of packages marked with each grade designation mark and will permit any person duly authorised by the Director of Industries and Commerce to examine the r rd;

(d) that the holder of the certificate will pe it any duly authorised person to take samples of any graded produce or to open and inspect any packag bearing a grade designation mark, provided that all samples shall be paid for;

(e) that any person authorised in this behalf by the Director of Industries and Commerce may cancel or remove a grade designation mark from any produce which is the property of the holder of the certificate in the possession of the holder of the certificate or of his agent, should such produce be found by such person not to c ply with the definition of quality prescribed for that article.

(f) that all rules made under the Agricultural Produce (Grading and Marking) Act shall be observed;

(g) that any certificate of authorisation may be cancelled, revoked, modified or suspended by the Director of Industries and Commerce or by any other person authorised by the Government of Mysore in that behalf, provided that 14 days' notice in writing shall be given to the certificate holder at the address stated on the certificate and an opportunity given him for showing cause why his certificate should not be cancelled revoked, modified or suspended;

(h) that any holder of a certificate of authorisation may, with the written consent of the Di. tor of Industries and Commerce, use a replica of the MYSMARK design on his business papers d catalogues; and

(i) that any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from the Director of Industries and Commerce or a person authorised by him, shall be kept in fe custody by the holder of the certificate and shal so far as may be, be returned to the Director of Industries and Commerce or such authorised person when the certificate ceases to be valid.

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28-3-1938.

Mr. SUBRAHMANYA SHASTRI enquired whether sericulture also would come within the scope of this legislation.

The DIRECTOR OF INDUSTRIES AND COMMERCE (Mr. M.S. Ramachandra Rao) replied that so far as the sericultural industry was concerned, marketing facilities were not lacking. But there was nothing to prevent sericulture also being included in this. For the present, however, the object of the Government was to restrict the application of the measure to cotton, tobacco and ground-nut.

Mr. KRISHNA PID GANESH RAO SUBBAH requested that cardomom also should be brought within the scope of the bill.

Mr. M.S. RAMACHENDRA RAO said that any crop could be brought under the scope of the bill.

The SECOND MEMBER OF COUNCIL (Rajamantra-pravina N. Madhava Rau.) observed that when the resolution was moved in the Legislative Council and the Special Committee was appointed, only three commercial crops were in view. And yet, the bill before the House had been so designed as to include within its scope any agriculture crop raised in the State.

Mr. THALIH GOLDA supported the measure. In doing so, he said that the Government had framed it in such a manner that it would benefit the producer, the middleman, the seller and the consumer. More than all, the raiyat would get the largest benefit. Time and again, the members

had been bringing to the notice of the Government that the producer was not getting his due share of the price paid by the ultimate purchaser, and had also to pay twice the amount when he wanted to purchase the same article for his own use, and that such a situation should not be allowed to continue. Unless the cultivator got the full value for his produce, there was no scope for agriculture to prosper as an indutry. As this bill was designed to help the agriculturists, it deserved the support of every section of the House. It would ensure for the raiyat a reasonable price for his produce and provide markets for selling it in. There would be no risk of his bieng duped by the middlemen. At the same time, n honest commission agent would be affected by this measure. In all these ways the bill would do good to the agriculturist. Again, different markets were using different weights and measures at present and there was no proper inspection and no control over them. The bill provided for the appointment of a Market Committee which would remedy these defects and settle disputes if any. The inconvenience and loss which the raiyats were sustaining now on account of the system of auctioning the supplies at the mandies would be put an end to. Above all, there was provision for the grading of articles. By this a confidence would be created in the minds of purchasers as that they would get the best article for the money they paid and this would in turn facilitate trade with foreign countries to a great extent. In all these ways, the measure was a most beneficial one.

Chairman Mr. [illegible] said that in the preamble of the bill the words "cotton and agricultural products" had been used. This had given rise to some doubt in the minds of the members that the facilities which might be given for cotton might not be available in the case of the other agricultural crops. Otherwise there was no objection to mention "cotton" specially in the preamble. He would be glad if the Government would elaborate that the measure was calculated to help the growers of other agricultural crops as well.

[illegible] said that there was no doubt for any such doubt as the term "agricultural products" had been defining in the bill to mean any produce of agriculture whether [illegible]. The object was to relieve suffering, if [illegible] all commercial crops of importance in any particular province such as cotton in the Madras and Bombay Presidencies, cotton in the Allahabad District and wheat, oilseeds etc., in the [illegible] Provinces. [illegible] said that Government have already provided for the cases mentioned by the hon. member. What was the only reason why the word "cotton" was specially put in the preamble.

[illegible] suggested the addition of the word [illegible] even to meet

[illegible] said that [illegible] there was no objection in the bill to a person [illegible]

Mr. K. BHEEMAPPA NAIK also supported the measure. He said that at present there were some market committees functioning in the Chitaldrug District. But they were not following any rules; and there were no representatives on the Committees. No one had any control over them. So he thanked the Government for providing representation to the raiyats on the committee.

Continuing, he said that cotton-growers were experiencing a lot of difficulty in respect of the sale of their crops. The provision for the appointment of a marketting committee and empowering them to look into all the facilities and requirements of the cotton-growers and also examine the weights etc., would go a long way to minimise the difficulty. But if a Committee did not work proper he agreed with the previous speaker that the best way of dealing with it would be to dissolve it and appoint a better committee instead. Supersession was bound to dislocate work.

Referring to the items constituting the market committee fund, he said that it was not clear from the measure what the quota of the district boards or of the municipalities would be; whether the government would give any grant etc. He preferred that the proportions in which these bodies should contribute funds should be mentioned in the bill itself and definite items of revenue made available to the Committee. Also it was not known whether the fees which the committee would be empowered to prescribe would include brokerage and it would be well if this point also was made clear. Go-downs to stock the unsold supplies

would be necessary and the question as to who should construct them also should be made clear.

Mr. M. [illegible]AVA RAU said that the brokerage was included in the fees and that all these were matters of detail which ought to come under the bye-laws, and could not be included in the Act itself.

Mr. [illegible]APPA NAIK said that he was only mentioning there as points which should be taken into consideration whether in the Act or at least in the bye-laws. He was glad that ground-~~but~~ nut also had been brought within the scope of the bill. He requested that similarly all commercial crops should be brought within the scope of the Bill immediately. Applying it to cotton alone would not be of much advantage. In conclusion, he thanked the Government for proposing the measure.

Mr. V.V. [illegible]UNISWAMI IYER also supported the bill. He thanked the members of the Congress Party for having supported the measure and expressed the hope that they would similarly cooperate with the Government in future.

Mr. R[illegible]VALA RE[illegible]PALLA, in further supporting the measure, suggested that it might be made a rule that a majority of the members of the Market Committee should be selected from among agriculturists.

Mr. [illegible]LLAPUR PAPAIAH also supported the measure and thanked the Government for having proposed it.~~to the~~. He requested that the

scope of the Act with a view to help the deserving

urgently necessary.

spirit

unnecessarily neglected by the Owner

3. (i) The Government may, by notification in the official Gazette, direct that in any local area no petrol shall, from such date as may be specified in such notification, be sold or kept for sale except with an admixture of anhydrous alcohol manufactured in the State.

(ii) The alcohol to be employed for such admixture shall be obtained from a distillery established by or with the sanction of Government and the price to be paid to the owner of the distillery for the alcohol shall be fixed by Government from time to time.

(iii) The proportions of petrol and alcohol in such mixture shall be as notified by Government in respect of each local area and may be enhanced or reduced from time to time but the proportion of alcohol in the mixture shall in no case be more than 25 per cent or less than five per cent by volume.

4. Government may levy an excise duty on alcohol intended for admixture with petrol sold by any distillery governed by this Act at rates to be fixed by a notification published in the official Gazette.

5. Whoever contravenes the provisions of Section 3 shall be punishable with fine which may extend to one thousand rupees and in the case of a continued contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor.

6. No prosecution under this Act shall be instituted except under the authority of a district magistrate.

7. No offence made punishable by this Act or by any rule made thereunder shall be tried by a court inferior to that of a Magistrate of the First Class.

8. (i) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe specifications and tests in respect of the purity of alcohol intended for admixture with petrol in order to ensure its suitability for use on motor vehicles;

(*b*) provide for determining the price to be paid to the owner of a distillery for alcohol supplied for purposes of admixture with petrol;

(*c*) provide for imposing and collecting a duty of excise on alcohol intended for admixture with petrol;

(*d*) prescribe conditions in respect of the transport and storage of alcohol intended for admixture with petrol and for the manner in which the admixture is to be effected;

(*e*) prescribe the submission by the manufacturers of alcohol and importers and distributors of petrol of returns regarding the quantities of anhydrous alcohol and petrol, manufactured, purchased, stored and sold.

(iii) Rules made under this Act may provide that any contravention of such rules shall render the offender liable on conviction before a magistrate to a fine not exceeding five hundred rupees.

9. Nothing contained in this Act shall apply to petrol required for aviation.

Statement of Objects and Reasons

V.—General Principles of the Bill to provide for the Establishment and Better Regulation of Agricultural Markets in the Mysore State.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties." They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic

and fraudulent practices in the marketing of agricultural produce, the cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation had not already been introduced.

A similar recommendation has been made, with reference to cotton in the Chitaldrug District, by a Sub-Committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that district. It is believed that the cotton-growers and many of the merchants in cotton in the State also favour such legislation.

Government propose to introduce ~~at the next session of the Legislative Council a Bill on the lines of~~ the accompanying draft, with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the Bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the Bill, Government may after consulting the local bodies concerned, declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a Committee in the composition of which the representatives of the growers as well as of the traders in the market will be represented. The Committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulatiug transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

Draft Bill to provide for the Establishment and the Better Regulation of Agricultural Markets in Mysore State.

Preamble.—Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows:—

1 *Short Title.*—This Act may be called the Mysore Agricultural Produce Market Act, 1938.

2. *Extent and Commencement.*—It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. *Definitions.*—In this Act unless there is anything repugnant in the subject or context:—

(*a*) "Agricultural Produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of His Highness the Maharaja of Mysore by notification in the Official Gazette to be agricultural produce for the purpose of this Act.

(*b*) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

(*c*) "Market" means a market established under Section 4.

(*d*) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the deputy commissioner of the district in which the person permanently resides shall be final.

(*e*) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

Bill to provide for the Establishment and the Better Regulation of Agricultural Markets in ysore ~~State~~.

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(*b*) provide for determining the price to be paid to the owner of a distillery for alcohol supplied for purposes of admixture with petrol;

(*c*) provide for imposing and collecting a duty of excise on alcohol intended for admixture with petrol;

(*d*) prescribe conditions in respect of the transport and storage of alcohol intended for admixture with petrol and for the manner in which the admixture is to be effected;

(*e*) prescribe the submission by the manufacturers of alcohol and importers and distributors of petrol of returns regarding the quantities of anhydrous alcohol and petrol, manufactured, purchased, stored and sold.

(iii) Rules made under this Act may provide that any contravention of such rules shall render the offender liable on conviction before a magistrate to a fine not exceeding five hundred rupees.

9. Nothing contained in this Act shall apply to petrol required for aviation.

V. General Principles of the Bill to provide for the Establishment and Better Regulation of Agricultural Markets in the Mysore State.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties.". They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic

(*f*) "Notified area" means an area notified under Section 4.

(*g*) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

4. (1) *Notification regarding the Establishment of an Agricultural Produce or Cotton Market.*—The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act either for agricultural produce or for cotton or for both.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

5. *The Market Committee.*—For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for cotton or agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in such notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. *Rules.*—(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate :—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in Section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of the scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their

agents including disputes regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause ;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction ;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market ;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same ;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit ;

(xvi) the preparation of an annual budget and its submission for sanction and the reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee ;

(xviii) generally for the guidance of the market committee.

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

(4) (*a*) All rules made under this Section shall be subject to previous application.

(*b*) Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

7. *Bye-laws.*—Subject to any rules made by the Government under the last preceding Section and with the previous sanction of such officer as may be appointed by Government in this behalf the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and joint Committees and Delegation of Powers.*—The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

9. (1) *Appointments and Salaries of Servants of the Market Committee.*—Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and, for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper ; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this Section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

10. (1) *Contracts How Executed.*—Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in Sub-section (1) shall be binding on a market committee.

11. (1) *The Market Committee Fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of, this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

12. *Purpose for which the Market Committee Fund may be expended.*—Subject to the provisions of Section 11, the market committee fund shall be expended for the following purposes only:—

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned, and

(ix) propaganda in favour of agricultural improvement and thrift.

13. *No Trade Allowance not recognised by Customs or Rules allowable.*—No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no civil court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Market Committee to be a Body Corporate.*—Every market committee shall be a body corporate by the name of the "The Market Committee of..... ....." and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

15. (1) *Power to Borrow.*—Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

16. (1) *Supersession of Market Committee.*—If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, Government may, by an order published in the Official Gazette declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it.

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded the Government may, at their discretion, by order, either constitute a new committee under Section 5, or make such arrangements for the carrying out of the functions of the committee as the Government think fit.

(4) When a market committee has been superseded all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

Provided that if the Government make an order under Sub-section 3, they shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under Section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be.

Provided further that if no new market committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

Any local authority to which any assets have been transferred under the latter proviso shall employ such assets for any object of public utility in the area within its jurisdiction.

17. *No Private Market to be opened in or near places declared to be Markets.*—Wherever the Government has, by a notification under Section 4, declared any place to be a market no person shall, within the limits of such market or within a distance thereof to be notified in the Official Gazette in this behalf in each case by Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce as the case may be.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.

18. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce or violates the conditions under which he has

been allowed to set up, establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500 and in case of a continuing breach of the provisions of Section 17, with fine which may extend to Rs. 100 for each day after the first, during which the breach continues.

19. *Offences to be triable only by a First Class Magistrate.*—(i) No offence under this Act or under any rule made under Section 6 or under any bye-laws made under Section 7 shall be triable by a Magistrate other than a Magistrate of the First Class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by Government in this behalf.

20. With the previous sanction of the Government which may be accorded by general or special order, the .... of the district may, by an order in writing, delegate to any executive officer, not below the rank of a ... ., all or any of his powers or duties under this Act or the rules framed thereunder ....

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examined. Further, claim petitions may be filed without any serious idea of pursuing them or they may be allowed to drag on delaying the passing of orders "after investigation." To avoid these difficulties it is proposed to omit the words "after investigation" in this Article. This will also bring the law into line with that in British India.

VIII. General Principles of the Bill to amend the Mysore Paper Currency Act.

Under the Mysore Paper Currency Act, 1919, a currency note issued under any Indian Paper Currency Act shall be legal tender in the State. Till now currency notes were being issued by the Government of India under the Indian Paper Currency Act. After the establishment of the Reserve Bank of India under the Reserve Bank of India Act, 1934, that Bank has been empowered to issue bank notes in British India and also to issue currency notes of the Government of India supplied to it by the Governor-General in Council. The bank has commenced issuing bank notes and they are in circulation now.

Section 2 of the Mysore Paper Currency Act, 1919, makes only currency notes under the Indian Paper Currency Act for the time being in force in British India to be legal tender. The bank notes of the Reserve Bank would not come under it and they would not be legal tender in Mysore. To make the Reserve Bank it is necessary to amend the Mysore Paper Currency

Statement of objects and reasons.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficultues!" They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic-

and fraudulent practices in the marketing of agricultural produce, the cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation had not already been introduced.

A similar recommendation has been made, with reference to cotton in the Chitaldrug District, by a Sub-Committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that district. It is believed that the cotton-growers and many of the merchants in cotton in the State also favour such legislation.

Government propose to introduce ~~at the next session of the Legislative Council a Bill on the lines of~~ the accompanying draft Bill, with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the Bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the Bill, Government may after consulting the local bodies concerned, declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a Committee in the composition of which the representatives of the growers as well as of the traders in the market will be represented. The Committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulatiug transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

3. (i) The Government may, by notification in the official Gazette, direct that in any local area no petrol shall, from such date as may be specified in such notification, be sold or kept for sale except with an admixture of anhydrous alcohol manufactured in the State.

(ii) The alcohol to be employed for such admixture shall be obtained from a distillery established by or with the sanction of Government and the price to be paid to the owner of the distillery for the alcohol shall be fixed by Government from time to time.

(iii) The proportions of petrol and alcohol in such mixture shall be as notified by Government in respect of each local area and may be enhanced or reduced from time to time but the proportion of alcohol in the mixture shall in no case be more than 25 per cent or less than five per cent by volume.

4. Government may levy an excise duty on alcohol intended for admixture with petrol sold by any distillery governed by this Act at rates to be fixed by a notification published in the official Gazette.

5. Whoever contravenes the provisions of Section 3 shall be punishable with fine which may extend to one thousand rupees and in the case of a continued contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor.

6. No prosecution under this Act shall be instituted except under the authority of a district magistrate.

7. No offence made punishable by this Act or by any rule made thereunder shall be tried by a court inferior to that of a Magistrate of the First Class.

8. (i) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe specifications and tests in respect of the purity of alcohol

Draft Bill.
Mysore Act

Dated 1933

NOTIFICATION.

No. 975—*L. C., dated Bangalore the* 11*th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to provide for the establishment and the better regulation of Agricultural Markets in Mysore.

Preamble.—Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the Mysore Agricultural Produce Markets Act, 193—.

2. *Extent and Commencement.*—It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context :—

(*a*) " Agricultural Produce " means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of

His Highness the Maharaja of Mysore by notification in the official Gazette to be agricultural produce for the purpose of this Act.

(*b*) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

(*c*) "Market" means a market established under Section 4.

(*d*) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the deputy commissioner of the district in which the person permanently resides shall be final.

(*e*) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

(*f*) "Notified area" means an area notified under Section 4.

(*g*) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

4. (1) *Notification regarding the establishment of an Agricultural Produce or Cotton Market.*—The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act either for agricultural produce or for cotton or for both.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

5. *The Market Committee.*—For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for cotton or agricultural produce is situated, one by the municipality, if any, of the area in

which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in ~~such~~ notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. *Rules.*—(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate:—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in Section 5, and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall

be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf on both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction and reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee;

(xviii) generally for the guidance of the market committee.

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

(4) (*a*) All rules made under this Section shall be subject to previous ~~application~~. *publication*

(*b*) Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

7. *Bye-laws.*—Subject to any rules made by the Government under the last preceding Section and with the previous sanction of such officer as may be appointed by Government in this behalf, the market committee may in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and Joint Committees and Delegation of Powers.*—The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

(9) (1) *Appointments and Salaries of Servants of the Market Committee.*—Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension

contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this Section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

10. (1) *Contracts how executed.*—Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

11. (1) *The Market Committee Fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

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(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned, and

(ix) propaganda in favour of agricultural improvement and thrift.

13. *No Trade Allowance not recognised by Customs or Rules allowable.*—No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no civil court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on accout of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

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and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

15. (1) *Power to Borrow.*—Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

16. (1) *Supersession of Market Committee.*—If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, Government may, by an order published in the official Gazette, declare such market commiteee to be imcompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it.

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded the Government may, at their discretion, by order, either constitute a new committee under Section 5, or make such arrangements for the carrying out of the functions of the committee as the Government think fit.

(4) When a market committee has been superseded all property and rights vested in it shall, subject to all

charges and liabilities affecting the same, vest in Government.

Provided that if the Government make an order under sub-section 3, they shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under Section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be.

Provided further that if no new market committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market commitee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

Any local authority to which any assets have been transferred under the latter proviso shall employ such assets for any object of public utility in the area within its jurisdiction.

17. *No Private Market to be opened in or near places declared to be Markets.*—Wherever the Government has, by a notification under Section 4, declared any place to be a market no person shall, within the limits of such market or within a distance thereof to be notified in the official Gazette in this behalf in each case by Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce as the case may be.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of cotton or agricultural produce.

18. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce or violates the conditions under which he has been allowed to set up.

establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500 and in case of a continuing breach of the provisions of Section 17, with fine which may extend to Rs. 100 for each day after the first, during which the breach continues.

19. *Offences to be triable only by a First Class Magistrate.*—(i) No offence under this Act or under any rule made under Section 6 or under any bye-laws made under Section 7 shall be triable by a Magistrate other than a Magistrate of the First Class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by Government in this behalf.

Statement of objects and reasons.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties." They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic and fraudulent practice in the marketing of agricultural produce, the cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation had not already been introduced.

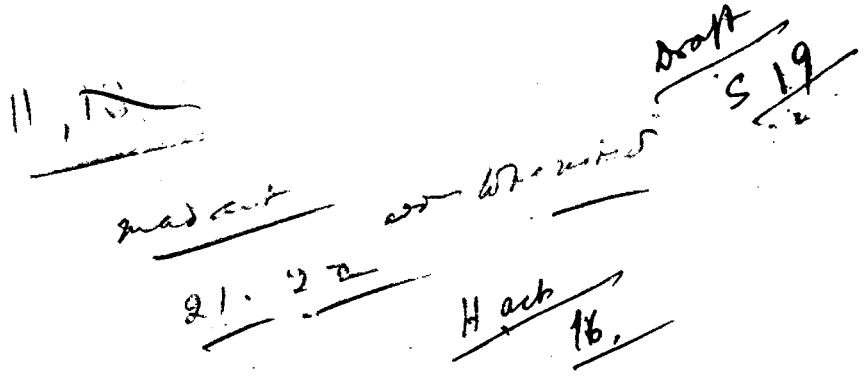
A similar recommendation has been made, with reference to cotton in the Chitaldrug District, by a Sub-Committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that District. It is

believed that the cotton-growers and many of the merchants in cotton in the State also favour such legislation.

It is therefore proposed to introduce the accompanying Bill with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the Bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the Bill, Government may after consulting the local bodies concerned, declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a committee in the composition of which the representatives of the growers as well as of the traders in the market will be represented. The Committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulating transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.



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Central Banking Enquiry Committee

Repeal Cotton Factories Act

Repeal Sugar act

Madras act XX 9 1933 — 5

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Coll. Control
Bom. act. 1927

ag. Municipal India : Supreme Repeal 3 Opis. 7.8.9

Bom. Coll. Control Act XXXV 9 1935

L.C. Proceedings June 1937

Mad. Coll. Control Act VII 9 1932

Repeal Bill

Act IX 9 1933

Hyderabad Repeal

NOTIFICATION.

No. 975—*L. C., dated Bangalore the* 11*th November* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill to provide for the establishment and the better regulation of Agricultural Markets in Mysore.

Preamble.—Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the Mysore Agricultural Produce Market Act, 193—.

2. *Extent and Commencement.*—It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context :—

(*a*) "Agricultural Produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of

His Highness the Maharaja of Mysore by notification in the official Gazette to be agricultural produce for the purpose of this Act.

~~(b) "Cotton" includes ginned cotton, unginned cotton and cotton waste.~~

(b) "Market" means a market established under Section 4.

Model Draft 2(c) Punjab 2(d)

(d) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the deputy commissioner of the district in which the person permanently resides shall be final.

~~(e) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.~~

(e) "Notified area" means an area notified unde. Section 4.

(g) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

Model Bill 3 Hyderabad 3 Punjab 3 and 4 Madras 3 and 4 Bombay 4

4. (1) *Notification regarding the establishment of an Agricultural Produce ~~or Cotton~~ Market.*—The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act ~~either for~~ agricultural produce ~~or for cotton or for both~~.

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(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

Model Draft 4 Hyderabad 4 Punjab 7 and 8 Madras 5 and 6 Bombay 5

5. *The Market Committee.*—For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be ~~persons elected by~~ or nominated from among the growers of agricultural produce or cotton of such area as the Government may prescribe; one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for cotton or agricultural produce is situated, one by the municipality, if any, of the area in

either nominated by Govt or elected in rural manner

which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in ~~such~~ notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. *Rules.*—(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate: —

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in Section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the term of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall

be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf on both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction and reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee ;

(xviii) generally for the guidance of the market committee.

(3) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

(4) (*a*) All rules made under this Section shall be subject to previous ~~application~~ publication.

(*b*) Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

7. *Bye-laws.*—Subject to any rules made by the Government under the last preceding Section and with the previous sanction of such officer as may be appointed by Government in this behalf the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

model draft 8
Hyderabad 6
Punjab 28
Madras 19
Bombay 7

8. *Sub-committees and Joint Committees and Delegation of Powers.*—The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

model draft 6
Hyderabad 7
Punjab 15
Madras 8
Bombay 8

(9) (1) *Appointments and Salaries of Servants of the Market Committee* —Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension,

model draft 13
Hyderabad 8
Punjab 16
Madras 9
Bombay 9

contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this Section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

model draft 14
Hyderabad 9
Punjab 18
Madras 10
Bombay 10

10. (1) *Contracts how executed.*—Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

model draft 9.
Hyderabad 10
Punjab 20
Madras 12
A. P. 11

11. (1) *The Market Committee Fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

model draft 10
Hyderabad 11
Punjab 21
Madras 13
Bombay 12

12. *Purpose for which the Market Committee Fund may be expended.*—Subject to the provisions of Section 11, the market committee fund shall be expended for the following purposes only:—

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election ;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures ;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans ;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned, and

(ix) propaganda in favour of agricultural improvement and thrift.

No Trade Allowance ~~not recognised by Customs~~ or ~~rules~~ allowable.—No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no civil court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

model Draft 11
Hyderabad 12
Punjab 22
Madras 14
Bombay 13

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on accout of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Market Committee to be a Body Corporate.*— Every market committee shall be a body corporate by the name of the "The Market Committee of..... ... . and shall have perpetual succession and a common seal,

model Draft 5
Hyderabad 13
Punjab 14
Madras 7
Bombay 14

and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

15. (1) *Power to Borrow.*—Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

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Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton or agricultural produce if he sells his own cotton or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of ~~cotton or~~ agricultural produce.

18. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of ~~cotton or~~ agricultural produce or violates the conditions under which he has been allowed to set up, model draft 17 Hyderabad 18 Punjab 26 Madras 17 Bombay 18

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model draft 18
Hyderabad 20
Punjab 29
Madras 20.
Bombay 19.

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When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. 975—L. C., dated Bangalore the 11th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the establishment and better regulation of Agricultural Markets in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill to provide for the establishment and the better regulation of Agricultural Markets in Mysore.

Preamble.—Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of (cotton and of other) agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the Mysore Agricultural Produce Market Act, 193—.

2. *Extent and Commencement.*—It extends to the whole of Mysore. It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context :—

(*a*) " Agricultural Produce " means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government of

His Highness the Maharaja of Mysore by notification in the official Gazette to be agricultural produce for the purpose of this Act.

(*b*) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

(*c*) "Market" means a market established under Section 4.

(*d*) "Grower of cotton or other agricultural produce" shall not include a dealer or broker in cotton or other agricultural produce although such a person may grow the same. If a question arises whether any person is a grower or not for the purpose of this Act, the decision of the deputy commissioner of the district in which the person permanently resides shall be final.

(*e*) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

(*f*) "Notified area" means an area notified under Section 4.

(*g*) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

4. (1) *Notification regarding the establishment of an Agricultural Produce ~~or Cotton~~ Market.*—The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act ~~either~~ for agricultural produce ~~or for cotton or for both~~.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

5. *The Market Committee.*—For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be persons elected by or nominated from among the growers of agricultural produce ~~or cotton~~ of such area as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for ~~cotton or~~ agricultural produce is situated, one by the municipality, if any, of the area in

which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in such notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. *Rules.*—(1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate:—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected by such of the bodies or groups of individuals referred to in Section 5 and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the terms of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall

be issued, and the fees to be charged for such licences;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the ~~cotton or~~ agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce brought into the market and charges to be levied for the same;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction and reports and returns which shall be furnished by the market committee.

(xvii) the disposal of any surplus funds of the market committee;

xviii) generally for the guidance of the market committee.

(5) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

(4) (a) All rules made under this Section shall be subject to previous application.

(b) Any rule, shall, however, be liable to be rescinded or modified, subject to previous publication.

7. *Bye-laws.*—Subject to any rules made by the Government under the last preceding Section and with the previous sanction of such officer as may be appointed by Government in this behalf the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and Joint Committees and Delegation of Powers.*—The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

(9) (1) *Appointments and Salaries of Servants of the Market Committee*—Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of Government which it employs, pay such pension,

contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this Section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

10. (1) *Contracts how executed.*—Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

11. (1) *The Market Committee Fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government, out of its fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to the provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

12. *Purpose for which the Market Committee Fund may be expended.*—Subject to the provisions of Section 11, the market committee fund shall be expended for the following purposes only:—

(i) the maintenance and improvement of the market.

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election ;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures ;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans ;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned, and

(ix) propaganda in favour of agricultural improvement and thrift.

13. *No Trade Allowance not recognised by Customs or Rules allowable.*—No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act and no civil court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard, when the purchase is made by reference to a known standard, or on accout of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Market Committee to be a Body Corporate.*—Every market committee shall be a body corporate by the name of the "The Market Committee of..... ... . and shall have perpetual succession and a common seal,

and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purpose for which it is established.

15. (1) *Power to Borrow.*—Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of Government.

16. (1) *Supersession of Market Committee.*—If in the opinion of Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, Government may, by an order published in the official Gazette, declare such market commiteee to be imcompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it.

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded, the Government may, at their discretion, by order, either constitute a new committee under Section 5, or make such arrangements for the carrying out of the functions of the committee as the Government think fit.

(4) When a market committee has been superseded all property and rights vested in it shall, subject to all

charges and liabilities affecting the same, vest in Government.

Provided that if the Government makes an order under sub-section 3, they shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under Section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be.

Provided further that if no new market committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market commitee shall vest in the local authority of the area in which the market is situated for the purpose of any object of public utility in the said area.

Any local authority to which any assets have been transferred under the latter proviso shall employ such assets for any object of public utility in the area within its jurisdiction

17. *No Private Market to be opened in or near places declared to be Markets.*—Wherever the Government has, by a notification under Section 4, declared any place to be a market no person shall, within the limits of such market or within a distance thereof to be notified in the official Gazette in this behalf in each case by Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of ~~cotton or~~ agricultural produce as the case may be.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of ~~cotton~~ or agricultural produce if he sells his own ~~cotton~~ or agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of ~~cotton or~~ agricultural produce.

18. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of ~~cotton or~~ agricultural produce or violates the conditions under which he has been allowed to set up,

establish, or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500 and in case of a continuing breach of the provisions of Section 17, with fine which may extend to Rs. 100 for each day after the first, during which the breach continues.

19. *Offences to be triable only by a First Class Magistrate.*—(i) No offence under this Act or under any rule made under Sention 6 or under any bye-laws made under Section 7 shall be triable by a Magistrate other than a Magistrate of the First Class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecutions under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by Government in this behalf.

20. All sums due from a market committee to the Govt may be recovered as arrears of land revenue

Statement of objects and reasons.

Considering the disabilities under which the cultivator labours in selling his produce, the Royal Commission on Agriculture recommended the establishment of regulated markets as a most "hopeful solution of the cultivator's marketing difficulties." They considered that the establishment of regulated markets must form an essential part of any ordered plan of agricultural development in the country.

The facts elicited during the recent marketing surveys point to the same conclusion. These surveys have shown that owing to the prevalence of uneconomic and fraudulent practice in the marketing of agricultural produce, the cultivator gets much less than his due share of the price paid by the ultimate consumer. The Marketing Officers' Conference held at Simla in September 1937 accordingly recommended legislation for the establishment of regulated markets in Provinces and States where such legislation had not already been introduced.

A similar recommendation has been made, with reference to cotton in the Chitaldrug District, by a Sub-Committee of the Board of Industries and Commerce in Mysore, which surveyed the conditions of cultivation and marketing of commercial crops in that District. It is

believed that the cotton-growers and many of the merchants in cotton in the State also favour such legislation.

It is therefore proposed to introduce the accompanying Bill with a view to the establishment of regulated markets for cotton at Chitaldrug and Davangere, in the first instance. At the same time, the Bill is wide enough in its scope to admit of similar action being taken in other places and in respect of other agricultural produce (including dairy products) should the need and opportunity arise.

According to the Bill, Government may after consulting the local bodies concerned, declare any place as a market for specified agricultural produce. Subject to rules framed by Government, the market will be under the control of a committee in the composition of which the representatives of the growers as well as of the traders in the market will be represented. The Committee will be a body corporate administering the market fund and exercising the powers conferred upon it for regulating transactions, settling disputes, etc.

When a place has been declared as a market, no person may set up, continue or allow to be continued, any private market in the immediate vicinity of the regulated market except with the sanction of Government and on such terms as may be prescribed in such sanction. It is, however, to be noted that this will not preclude the grower of agricultural produce from selling or offering for sale such produce outside the premises of the market.

Printed by the Superintendent at the Government Press, Bangalore.

AGRICULTURAL MARKETS REGULATION BILL.

Select Committee Meeting.

Summary of Proceedings.

(30th March 1939)

The Select Committee meeting on the above Bill was held in the Chamber of the First Member of Counci, commencing at 1 p.m., on Thursday, 30 March 1939.

The following members were present:--

The First Member of Council
(Rajamantrapravina N. Madhava Rau)
Chairman.

Mr. S. Abdul Wajid.
Mr. M. Abdul Hukh.
Mr. M.S. Ramchendra Rao.

Mr. J. Mahomed Imam
Mr. D.H. Chandrasekharaiya
Dharmapravartha M.L. Nagappa Setty.
Mr. M.C. Linge Gowda.

Absent.

Mr. B.R. Puttananjappa
Mr. T.G. Rama Iyer

Preamble.* Omit the words "cotton and of other" in the third line.

Clause 1.
Short Title. ~~[illegible]~~

Add the letter "s" to the Word"Market" in the title.

Clause 2. No change.

Clause 3. (a) No change suggested.

(b) Omit the definition altogether.

(c) Becomes (b) Vide Expn in the margin

(d) Becomes (c) Change "grower" into"Producer" wherever it appears in the Bill ~~as in the U.P. Bill~~ and adopt the definition used in the U.P. ~~that~~ bill. Second sentence to remain as it is.

* Reason:
When the Bill was originally drafted, it was intended to apply it to cotton only. But later on, it was proposed to apply it for all other agricultural produce. As cotton was an agricultural produce, it need not be specified separately. All reference to "Cotton" in the bill to be omitted.

(e) As the phrase "Local Body" does not appear anywhere in the Bill and as the term "Local Authorities" which appears in the bill in a few places has been defined under the General Clauses Act, the definition of "Local Body" was deleted.

(f) Becomes (d)

(g) Becomes (e)

Clause 4. (1) Omit the words "either" in the last but one line and the words "or for cotton or both" at the end of the last line.

(2) No remarks.

Clause 5. Mr. D.H. Chandrasekharaiya represented that there was too much representation for producers and too little for merchants and as such the representation of the latter should be enhanced.

Mr. M.C. Linge Gowda said that for every 1,000 growers, it was sufficient to have one dealer and as such the representation for dealers provided for in the bill was quite enough. He also added that in most of the cases, those nominated from the municipality or the district board would generally be representatives of dealers and as such there was no need to increase their representation on the committee. Besides as it was a measure intended to help the producers, it was only reasonable that the producers should be in a majority in the committee.

The Chairman pointed out that the

Madras Act provided for a much higher representation to producers, viz., two-thirds for producers and the rest for merchants and others.

Mr. D.H. CHANDRASEKHARAIYA while agreeing with the principle of having both elected and nominat members representing producers on the committee This was necessary for at least some years to come in view of the fact that there were no agricultural associations to conduct election and return members -- contended that it was necessary to increase the representation to traders on the committee. He suggested that as in the..... ... Act, the number of seats remaining over after the nomination of members by Government from the municipality, the District Board and also on behalf of Government, might be divided equally between the growers and the merchants.

Mr. M.C. LINGE GOWDA was not in favour of the above suggestion. His experience was that for want of sufficient representation of producers on the Sugarcane Committee, the cane-producers were not getting much benefit was due to them on the other hand, the Company was benefit.

Mr. M.S. RAMCHENDRA RAO said that if a committee should consist of 16 members, according to the present clause, 8 would be representatives of producers, 3 be nominated by Govt. and 5 seats available for merchants. The three Government nominated members would be in a position to hold the balan

between the producers and the merchants. In view of the above discussion, the Chairman Sug- ~~It was finally decided to leave~~ that the clause be left as it was. All the members agreed to it with the exception of Mr. Chandrasekharaiya who ~~was either~~ strongly ~~and~~ the view that the representation of merchants on the committees should be increased.

With a view to fit in with the phraseology adopted in Clause 6(2)(1), the second sentence of the clause was recast as follows:--

"Of these, not less than half shall be producers of such area either nominated by Government or elected in such a manner as the Government may prescribe....."

Omit the words "cotton or" appearing in the last but one line of the clause on page 2.

5(2) Omit the word "such" in line 2 of the sub-clause and insert "the" instead.

Clause 6(2)(1). ~~Change~~ Omit the letter 's' in the word "terms" in the penultimate line of the clause.

Clause 6(2)(xi). Change "on" in the second line into "of"

Clause 6(4)(a). ~~Make~~ Make it 6(4) and omit (a).

Change the word "application" into "publication".

Omit 6(4)(b).

Clauses 7 to 11. No change.

Clause 12. Add the following sub-clause at the end:--

"(x) With the previous permission of Government....."
(Vide Punjab Bill)

Clause 13. Change the heading as follows:--

"No Trade Allowance permissible except as prescribed by rules or bye-laws."

Clause 13 - Explanation.

5th line. Spelling mistake in the word "account" to be rectified.

6th line. For the words "sacking and the standard weight" use "sacking or other container and the standard weight thereof"

Clause 14. No remarks.

Clause 15. -do-

Clause 16.

Sub-clause (3) 2nd line. For the words "at their discretion" use "at its discretion."

4th line. For the words "Government thinks fit" use "Government thinks fit".

Proviso 1 For the words "Government make an order" use "Government makes an order".

Anything more ???

Replace the word "they" in the second line by "it".

Proviso 2. Replace the words "local authority in line 5 by "Government", and the word "said" in the last line by "notified".

The last para might be deleted.

Clause 17. (Explanation). Omit the words "cotton or" appearing at the end of the sentence.

Clause 18. Omit the words "cotton or" appearing in the fourth line of the clause.

Clause 19. No change.

The following to be added as Clause 20:-

"20. All sums due from the Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

At this stage, Mr. D.H. CHANDRASEKHARAIYA suggested the desirability of inviting certain merchants from the Chitaldrug District with a view to obtaining the views on the several clauses of the bill. The CHAIRMAN thought that there was no use in inviting them at this stage and that it would be better to consult them on every detail after the markets proposed under this Act were establish

The meeting terminated at 3 p.m.,

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the bill and have the honor to submit the following report:-

As cotton is included within the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and may be omitted wherever it so occurs in the Bill.

* clause 1.
The word 'Markets' maybe substituted for the word 'Market'.

Clause 3 (b)

The definition of "Cotton" may be omitted in view of what has been stated above and the subsequent sub clauses renumbered.

Clause 3(C)[d]

As the definition of "Agricultural Produce" includes all produce of animals, and their hides skins and wool, we recommend that the word -- "Producer" may be substituted for the word -- "grower" and the whole subclause recast as follo

" Producer ~~of Agricultural Produce~~" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be fina

Clause 3(d)[e]

As the expression "local body" does not occur

anywhere in the Bill, the definition may be omitted.

Clause 4(1)

The words at the end of the Sub clause "either for Agricultural Produce or for cotton or both" may be substituted by the expression "for any Agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

Mr. D.H.Chandrasekharaiya urged that the representation of traders on the Committee was inadequate and that they should be given greater representation. After some discussion it was agreed by all the members except Mr.Chandrasekharaiya that the clause gave a proper representation to all the interests concerned and that there was no need to alter it. We however consider that the third sentence of this clause may advantageously be recast as follows.-

"Of these, not less than half shall be producers of Agricultural Produce of such area (~~as the Government may prescribe~~) (and shall be either nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by ~~the~~ Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the Municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

Clause 6 (2)(i)

The words "by such of the bodies or groups of individuals referred to in Section 5" occurring in this sub-clause may be omitted as unnecessary.

* In the marginal note to this clause, the words 'or Cotton' may be omitted.

* In line 3 in the 2nd para of clause 5, the word 'Such' may be substituted by the word 'The'.

[illegible]

[illegible]

[illegible]

Clause 6(2)(iii).

The words " nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause ~~6(4)~~ 6(4)

Sub clause (b) is unnecessary as this provision is already covered by the General Caluses Act and may therefore be omitted and clause 4(a) re-numbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (X).

"(X) with the previous sanction of the Government any other purpose which is calculated to promote the general interest of the market".

Clause 13.

Explanation*.

* In the marginal note, omit the words 'customs or'.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "sacking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should ~~vest in~~ be administered by the Government ~~for use~~ for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts

and liabilities of the superceded Market Committee shall be used by the Government for ~~the purpose of~~ any object of public utility in the notified area"

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

"20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be republished.

8.4.39

THE MYSORE AGRICULTURAL MARKETS BILL.

AMENDMENTS.

1. In clause 3 (d), omit the words "the decision of the Deputy Commissioner ..... final" and add the following after the word "Act" in line 5. ---

"it shall be decided in the first instance by the Deputy Commissioner of the District in which the person permanently resides and against his decision, an appeal shall lie to the Government".

The question whether any person is a producer or not is left to the decision of the Deputy Commissioner. The amendment seeks to provide for an appeal to Government against such an order.

2. Substitute the following for the entire clause 5.

.....

This amendment seeks to change the proportion of representation of the traders and producers on the Market Committee. Under this amendment, there will be 6 producers and 6 traders on the Committee.

(This matter was discussed in the Select Committee which was in favour of retaining the existing clause).

THE LABOUR AND INDUSTRIAL LAWS (NO. 2) BILL

AMENDMENTS.

In clause 3 (d), omit the words "the section of the Deputy Commissioner ..... final" and add the following after the word "Act" in line 5. ---

"it shall be decided in the first instance by the Deputy Commissioner of the District in which the person permanently resides and against his decision, an appeal shall lie to the Government".

The question whether any person is a producer or not is left to the decision of the Deputy Commissioner. The amendment seeks to provide for an appeal to Government against such an order.

Substitute the following for the entire clause 3.

.....

This amendment seeks to change the proportion of representation of the traders and producers on the Market Committee. Under this amendment, there will be 6 producers and 6 traders on the Committee.

(This matter was discussed in the Select Committee which was in favour of retaining the existing clau

Mysore Agricultural Produce Markets Bill	Model Draft Bill sent by the Marketing Adviser Govt. of India.	Hyderabad Act.	Punjab Bill.	Madras Commercial Crops Markets Act	Bombay Cotton Markets Act.
3(a)	2(a)	2(1)	2(a)	No provision.	No provision.
3(d)	2(c)	Not defined	2(c)	2(ii)	3(iii)
4(1) & (2)	3	3 (1) & (2)	3 and 4	3 and 4	4
5	4	4	7 and 8	5 and 6	5
6	7	5	27	18	6
7	8	6	28	19	7
8	6	7	15	8	8
9	13	8	16	9	9
10	14	9	18	10	10
11	9	10	20	12	11
12	10	11	21	13	12
13	11	12	22	14	13
14	5	13	14	7	14
15	12	14	24	15	15
16	16	15	25	16	16
17	15	17	(Section 3 & 4 deal with this matter also.)	(Section 3 & 4 deal with this matter also.)	17
18	17	18	26	17	18
19	18	20	29	20	19

REPRESENTATION ON THE MARKET COMMITTEE.

Act or Bill.	Total number on the Committee.	Representatives of Traders. Growers	Representatives of Growers. Traders.	Government Nominees.	Representatives of other interests if any.
Our Bill. Clause 5.	12 to 16.	Not less than half the total number elected or nominated as Government prescribe,	Remainder after others selected.	one.	One elected by Dist. Board & another by the municipal Council
Hyderabad Act. Clause 4.	8 to 16.	---Do---------	Not less than ½ to be elected.	Remainder to be nominated by the Government.	
Punjab Bill. Clause 8.	8 to 16.	2/3 of total number less 2 to be appointed by Government.	Remainder after others selected.	Two Not less than two.	
United Provinces. Bill. Clause 7.	10 to 16.	Not less than half to be selected by the Government.			
Bombay Cotton Markets Act. Clause 5.	12 to 16.	Not less than half elected by growers of cotton.	Remainder after others selected to be elected.	One.	one selected by Distr one by municipality

REPRESENTATION ON THE MARKET COMMITTEE.

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Our Bill. Clause 5:	12 to 16.	Not less than half the total number elected or nominated as Government prescribe,	Remainder after others selected.	one.	One elected by Dist. Board & another by the municipal Council
Hyderabad Act. Clause 4.	8 to 16.	---Do---------	Not less than ½ to be elected.	Remainder to be nominated by the Government.	
Punjab Bill. Clause 8.	8 to 16.	2/3 of total number less 2 to be appointed by Government.	Remainder after others selected.	Two Not less than two.	
United Provinces Bill. Clause 7.	10 to 16.	Not less than half to be selected by the Government.			
Bombay Cotton Markets Act Clause 5.	12 to 16.	Not less than half elected by growers of cotton.	Remainder after others selected to be elected.	One.	One elected by Dist. one by municipality

ERRATA.

1. In Clause 3 (c) of the Bill for the words " municipal Committee or a Union board" - read " a Sanitary Board or municipal Council".

2. In Clause 4 (1) delete the words "either" and " or for cotton or for both" occurring in lines 7 and 8.

3. In Clause 6 (4) (a) substitute publication for " application ".

THE HYDERABAD AGRICULTURAL MARKETS ACT.

No. XI. of 1339 Fasli.

Sanctioned by His Exalted Highness
on the 8th Mehir 1339 Fasli.

Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of cotton and of other agricultural produce in H. E. H. the Nizam's Dominions, and for the better regulation of such markets and for the use of Osmania Currency. It is hereby enacted as follows:-

Preamble.

1. This Act may be called the Hyderabad Agricultural Markets Act; and will come into force in H. E. H. the Nizam's Dominions from the date of its publication in the Jaridah.

Short title and extent.

2. In this Act, unless there is anything repugnant in the subject or context:-

Definitions.

(i) "Agricultural Produce" means the produce of any land not being cotton, which is declared by H. E. H. the Nizam's Government by notification in the Jaridah to be agricultural produce for the purpose of this Act.

Agricultural Produce.

(ii) "Cotton" includes ginned cotton, unginned cotton and cotton waste.

Cotton.

(iii)A "Market" means a market established under section 4.

Market.

(iv) "Prescribed" means prescribed by rules or by-laws made under this Act.

Prescribed.

3. (1) H. E. H. the Nizam's Government may by notification in the Jaridah declare that any place shall be a market established under this Act either for agricultural produce or for cotton

Notification of an agricultural produce or cotton Market.

the office members or in the office of [illegible]

the market committee;

(v) the management of the market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licenses to brokers, weighmen, measures, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such license shall be issued, and the fees to be charged for such licenses;

(vii) the place or places at which cotton or agricultural produce shall be weighed or measured, and the kind and description of the scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in a market;

(x) the settlement by arbitration, of all disputes between a buyer and seller of cotton or agricultural produce or their agents regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for cotton and agricultural produce;

(xiv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published;

(xvi) the preparation of annual budget and its submission for sanction, and the reports and returns which shall be furnished by the market committee;

(xvii) the disposal of any surplus funds of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall be punishable with fine which may extend to five hundred rupees.

(4) Powers to frame rules conferred under this section are subject to the condition that such rules will be enforced after being previously published.

By-laws.

6. Subject to any rules made by Government under section 5 and with the previous sanction of such officer as the Government may designate in this behalf, the market committee may in respect of the market under its management, make by-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall be punishable with fine which may extend to fifty rupees.

Sub-committees and joint committees and delegation of powers.

The market committee may appoint one or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

Appointments and salaries of servant of the market committee.

8. (1) The market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such

salaries as the committee thinks fit. The committee may in the case of any officer or servant of Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the Government.

Contracts how executed.

9. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

The market committee fund.

10. All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure made by the market committee under or for the purposes of this act, shall be defrayed out of the said fund. Any surplus remaining after such expenditure has been met shall be expended as may be prescribed in the rules made in this behalf.

Purposes for which the market committee fund may be expended.

11. Subject to the provisions of section 10 all fees collected by the market committee under this Act or the rules made there under shall be expended on:-

(i) the maintenance and improvement of the market;

(ii) the construction and repair of buildings which are necessary for the purposes of such market or for the health, convenience and safety of the persons using it; and

(iii) the pay, pensions, leave allowances and pensions or provident fund contributions of the officers and servants employed by the market committee.

No trade allowance not recognised by customs or rules allowable.

12. (I) No trade allowance, other than an allowance prescribed by rules or by-laws made under this Act, shall be made or received by any person in any transaction in a market established under this Act, and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation:- Every deduction other than deductions on account of deviation from sample, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Market committee to be bodies Corporate.

13. Every Market Committee will be considered as a Corporate body and will be called..... Market Committee with perpetual succession and a Common Seal, and will institute and defend suit in the name by which it has been established as a Corporate body, and will ~~xxxkixxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ have power to hold property movable or immovable and keep in its possession. It will have power to lease or sell or transfer in any way any such movable or immovable property which it may have acquired or secured any rights in it. It will also have power to enter into contracts and to do all things necessary for the purpose of the Act.

Procedure to obtain loans.

14. (I) Any Market Committee may borrow money with the previous sanction of Government for the purpose of [illegible] on the security of

such property which it has acquired and secured any rights in it, or on the security of the fees collected under this Act.

(2) The conditions under which such loans are obtained and the period during which they are repayable will be subject to the previous approval of Government.

Disolution of the Market Committee.

15. (1) If in the opinion of Government any Market Committee is considered incompetent to carry out the duties entrusted to it under or in accordance with this Act, or fails continuously to perform these duties or exceeds the powers given to it or misuses its powers, Government by Notification in the Jarida, will declare that such a Market Committee _____ competent to perform its duties or continuously fails in their performance, or has exceeded or misused its powers (as the case may be) and will dissolve the Committee

(2) When a Market Committee is dissolved the member of the Committee will cease to hold office from the date of such orders.

(3) When a market Committee is dissolved the whole of its property and rights acquired by it with the assets and liabilities will be transferred to Government, provided if no market Committee is appointed subsequently under Section 4 for the market, the remainder of property of the market after the full settlement of the liabilities will be transferred to the Local Board or the Local Fund office-s of the area in which the market was located for the purpose of public utility.

Pronibition of working within the area of the market.

16. No person may work or be employed as a broker weighman, measurer, surveyor or warehouseman within the limits of the market unless he is employed by the market committee or has received a license from it, and any person so doing shall be punished with fine which may extend to fifty rupees and should the offence be repeated

to one hundred rupees for each day.

No private market to be opened in or near places declared to be markets.

17. Whereever H.E.H.the Nizam's Government has by a notification under section 5 declared any place to be a market, no person shall within the area of such market and within a distance thereof to be notified in the Jarida in this behalf in each case by the Government, except with the sanction in writing of Govern ment expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose and sale of cotton or agricultural produce as the case may be.

Penalties.

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton or agricultural produce or violates the conditions under which he has been allowed to set up, establish or continue, any such market, shall be punished with fine which may extend to Rs.500/- and, in case of a continuing breach of the provisions of Section 16, with fine which may extend to Rs.100 for each day after the first during which the breach continues.

Compulsory use of Osmania Sicca currency.

19. (1) In any market for cotton or agricultural produce, payments or bids will be received, made and accepted in Osmania Sicca Currency.

(2) H.E.H.the Nizam's Government may by a Notification in the Jarida declare that besides the market at any other place in connection with the transaction mentioned in sub-section 1, Osmania Sicca will be used.

(3) Any person who shall contravene sub-section 1 or any orders issued under sub-section 2 will be punishable with a fine which may extend to Rs.100/- or to 10% of the bid made or accepted or the amount paid or accepted, whichever is greater.

20. (1) No offence under this Act or under any rule made under Section 5 shall be triable by a magistrate other than a magistrate of the First Class.

Offences to be triable only by First Class Magistrates.

(2) All fines and damages recovered from an offence shall be paid to the Market committee.

(3) Prosecutions under this Act may be instituted by any person duly authorized in writing by the Market committee or by some officer designated by Government in this behalf.

True Copy.

H.E.H.the Nizam's Government are pleased to make the following rules in virtue of powers granted to them under Section 5 of the Hyderabad Agricultural Markets Act.

---

(1) These rules shall be known as the "Hyderabad Agricultural Markets Rules" and shall apply to any market notified under Section 3 of the Act, according as such place may be declared to be a market

(2) (a) The Market Committee shall consist of not less than twelve members in addition to the chairman who shall be nominated by Government.

(b) Any person claiming to be a bona fide trader dealing in the market may apply to the chairman to be registered as such and the election of the traders to the committee shall be made by such registered traders in such manner as the chairman may deem suitable.

(3) The term of office of each member shall be for two years. If any member shall leave the market, or resign or die or shall cease to be qualified, another person shall be elected or nominated to take his place for the remainder of his period of office.

(4) The Committee shall have control over the cotton market as follows:-

(a) The market Yard:- i.e. the enclosures known as the "Cotton Market Yard" and the "Grain Market" shall be under the absolute control of the Market Committee subject to the supertendence of the 1st Talukdar of the District and the Director-General of Commerce & [illegible]

(b) In the Market Proper, which will include the remainder of the area notified under Section 3 (2), including all ginning and pressing factories and their compounds, the Committee shall exercise such powers as may be necessary for the proper control of all dealings in and weighments of cotton or agricultural produce or for the supervision of carts, motors and animals bringi

in cotton and agricultural produce and for the enforcement of the Market rules and bye-laws.

(5) No person, except a grower of cotton or agricultural produce, who is not interested in the market save as a seller of his own produce, may buy or deal in cotton or agricultural produce within the market, unless he has obtained a license from the Committee in the manner prescribed in the bye-laws. Such licenses shall be renewed annually.

(6) The Committee may license any person as a broker or dealer who makes a written application and agrees to conform to the conditions laid down by the Act and these rules and by such bye-laws as may be passed from time to time by the Market Committee, and pays such fee as may be prescribed from time to time.

(7) All weighments and measurements of cotton or agricultural produce shall be carried out either in the market yard or in the compound of some ginning or pressing factory, or in such place as may be prescribed by the Market Committee and shall be under the control of the Committee or such agents as they may employ for the purpose.

(8) No weights, measures or scales shall be used in the market yard or the market proper except such as have been prescribed by law or approved by the Committee and the committee may prescribe any particular form of Scale to be used by any factory or buyer. The Committee shall make bye-laws for the periodical inspection, verification and correction of all scales, measures and weights in use in the market.

(9) In the course of weighing or measuring, no allowances or deductions may be made except those included in the list sanctioned by the Market Committee and exhibited in a conspicuous place in the market yard

(10) A list of such allowances written in the vernaculars generally understood by sellers of cotton and agricultural produce and duly authenticated shall be hung up in the compound of every ginning and pressing factory.

(11) All cotton or agricultural produce brought in for sale to the market shall be sold by public auction in the market yard or if sold outside the market yard shall be sold at the same rate as was bid in the market yard on that day for cotton or agricultural produce of the same quality.

(12) All bids for cotton or agricultural produce shall be made publicly in a loud voice in accordance with the bye-laws and the highest rate bid for any quality of cotton or agricultural produce on any day shall be the rate bid for that quality.

(13) The daily rate or rates when fixed shall be exhibited in the vernaculars generally understood by sellers of cotton and agricultural produce in a conspicuous place in the market yard authenticated in such manner as the bye-laws may prescribe.

(14) All disputes between a buyer and seller of cotton or agricultural produce or their agents regarding the quality or weight of the cotton or agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause shall be referred to the Market Committee or to arbitrators appointed by them and the decision of the Committee or the arbitrators shall be final.

(15) The Committee shall make bye-laws for such arbitrations, and such bye-laws shall provide for the formation of panels of arbitrators from among whom the parties may select arbitrators and for the payment of fees for arbitrations, the cost of which shall be borne as decided by the arbitrators in each case.

(16) No broker or dealer may act on behalf of both the buyer and seller in any transaction in the market.

(17) The Market Committee may appoint or employ such officers and servants as may be necessary for the efficient management of the market and may assign to such officers and servants such salaries as it thinks fit.

(18) All weighments or measurements of cotton or agricultural produce shall be made by employees of the Committee or by persons licensed by the Committee who shall receive such fees from buyers and sellers as may be prescribed by the Committee.

(19) No person shall act as weighman, measurer, surveyor or warehouseman or earn a salary or fees in any capacity connected with the market or the buying or selling or warehousing of cotton or agricultural produce unless he is employed or licensed by the Committee in accordance with their bye-laws.

Such licenses shall be renewable annually on payment of the fee prescribed by the Committee.

(20) (a) The Committee may cancel the license of any person registered as a broker or dealer who violates the conditions of his license, but an appeal will lie to the D.G.C.I. or such person as may be designated by Government on this behalf against any such decision.

(b) The Committee may cancel any other license issued by them for reasons to be recorded in writing and such decisions shall be final.

(21) No broker or dealer or other licensee whose license has been cancelled may have access to the cotton market or the compound of any ginning and pressing factory or be concerned in any transaction in the market. Any person transgressing this rule shall be punishable with a fine which may extend to Rs.500 for each offence.

(22) The Committee shall maintain lists of licensed buyers and brokers and of licensed weighmen. Copies of these lists shall be exhibited on the market notice board under the signature of the chairman. Notices of cancellation of any license shall be exhibited in the same way. Any person dealing with or employing any unlicensed person within the market proper shall himself be liable after due notice to be warned off the cotton market yard and to have his own license cancelled.

(23) The fees payable to licensed brokers shall be fixed by the Market Committee.

(24) The Market Committee may arrange for the storage of cotton or agricultural produce in accordance with bye-laws framed in this behalf.

(25) If the Market Committee wishes to construct any works wholly or partly at the expense of the market fund, it shall first of all cause outline plans and rough estimates for such works to be prepared and shall submit such plans and estimates for the sanction of the D.G.C.I. or such person as shall be prescribed by Government in his behalf.

(26) The Market Committee shall keep accounts of all monies received and expended in accordance with bye-laws to be framed on this behalf. Such accounts shall be audited by an officer approved by the D.G.C.I. or such officer as Government may designate on his behalf and shall be published and fixed to the market notice board at least once a year.

(27) The Committee shall prepare its budget annually not less than three months before the beginning of the Fasli year and shall submit the same for sanction to the D.G.C.I. through such officer as may be notified by Government on his behalf.

(28) The Committee may levy such fees on all motors, carts and animals bringing in cotton or agricultural

produce to the market as may be prescribed by the D.G.C.I or such officer designated by Government on his behalf in each case and subject to any maximum which may be notified by Government in the Jarida.

(29) The Chairman shall be responsible that proper records are maintained and shall conduct all correspondence in the name of the Committee. He shall be responsible for the keeping of accounts, for the punctual rendering of all reports and accounts and for the custody of all monies not deposited in the treasury.

(30) He shall have a casting vote in addition to his ordinary vote, and shall keep a minute book of all proceedings over the signature of the chairman.

(31) The Market Committee shall exercise all their powers subject to the general control of the D.G.C.I. and in particular no bye-law shall be prescribed, no fee is levied, no weights or scales approved, no conditions of any license made or altered, no officers employed or scales of pay fixed and no allowances or deductions approved without his previous sanction.

(32) Three shall form a quorum of the Market Committee.

True Copy.

AE 95-35-1

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A.B.C. 5th Edition

Telegraphic Address "Agri. Bangalore."

DEPARTMENT OF AGRICULTURE.

MYSORE STATE.

No. Rde. 2543-Hc 767 35-36

OFFICE OF THE DIRECTOR OF AGRICULTURE,

Bangalore, ...22nd..May.....193 6.

25 MAY 1936

FROM

B. NARASIMHA IYENGAR, ESQ., B.A., PH.D.,
DIRECTOR OF AGRICULTURE IN MYSORE,
BANGALORE.

Dev. 25 MAY 1936

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government
of Mysore, Bangalore.

SIR,

I have the honour to report that I have just come back from a fairly extensive tour in the cotton producing tracts of the Chitaldrug and Shimoga Districts. The marketing conditions of cotton do not seem to be entirely satisfactory. As a cotton market Davanagere has lost its good name, and Chitaldrug is just coming to the front.

One of the important reasons why Davanagere cotton has lost its reputation in Bombay is that all kinds of cotton are mixed together, ginned, baled and put upon the market. As a result, there is no certainty about the quality of cotton especially with regard to length of staple with the consequence that the commodity fetches a low price on the Bombay market.

One kind of cotton that is extensively used for mixing with superior cotton is the "Bokada" cotton which is a short stapled one. It seems to be produced in the tracts bordering on the presidency of Madras and is grown because it gives a better yield than the long stapled varieties. While there is no restriction in Madras and Bombay about the production of these inferior varieties of cotton, the ginning act and transport act in both the presidencies is an effective measure to prevent the mixing of cotton in gins and transport of cotton from one locality to another for being mixed with superior varieties. There is the ginning act in force in Mysore also, but there is no transport act to prevent inferior varieties of cotton from being sent from one locality to another with

with the ~~xxxxxx~~ consequence that "Bokada" cotton comes even from Bellary and is mixed up with better varieties before being sent to ginneries.

This kind of mixing up acts deleteriously not only on the price of good cotton, but also is a great hindrance for getting pure seed of any good variety from the gins. Hence both in the interest of cotton marketing as well as its production it seems highly desirable to introduce the transport act into the cotton tracts of Mysore also.

Simultaneously with measures to prevent the mixing up of different varieties of cotton, steps have to be taken for the supply of good and pure seed also. Cotton is a very important dry land money crop and the area of 1,00,000 acres is a very compact one for any kind of successful intensive work.

It is now more than 20 years since the Babbur Farm was started with the express object of improving the cotton crop. Though the Senior Assistant Botanist in charge of the work has produced 2 good varieties of cotton S.69 and H.190, still the quantity of either put upon the market is not considerable. There are certain drawbacks in both the above varieties in that they do not resist the "wilt" disease prevalent in the black soil area. At the same time, it should be mentioned that Bombay has produced a variety of cotton called the 'Jayavant' is wilt resistant. Thousands of bales of Jayavant cotton in a pure state came to the Bombay market, and since last season attempts are being made to supply seed of that variety also in ~~the~~ our black soil cotton tract. While Bombay has organised a good seed supply for over 50 lacs of acres, it should not be difficu for us to get our requirements also from Bombay till we hav found something better than Jayavant. Simultaneously, on the Madras borders, a variety of cotton called Hagari No.1 is also being introduced by the ryots themselves, and I am just taking measures to procure that seed also ~~from~~ from the Madras Department.

It may be questioned as to why the situation has not been tackled successfully till now. From a study of the situation, I have come to the conclusion that in addition to want of legislative measures certain personal factors have also played their part to the detriment of progress in work.

References are frequently being made by Government to extend the cultivation of the Banavar variety of cotton. In this also while some work has been done in the Department in x evolving a new variety, Bombay is able to supply pure seed of a variety called Gadag No.1, and it seems desirable to import seed of that variety till our own varieties have made sufficient progress.

In this connection, I may mention that the ryot is not unmindful of his own interest in introducing new varieties of crops. As an example, the introduction of G. E .B.24 paddy commonly called "Coimbatore Sanna" from Madras may be mentioned. The variety seems to have come into the Mysore State as an introduction from some private land lords and has now spread over thousands of acres in the State.

As it is very necessary to introduce legislation on the lines of the Bombay Transport Act, and organise seed supply also if suitable varieties are to be kept pure, it seems desirable to form a Committee to go into the whole question of seed supply, cotton production and marketing. I would suggest that a Committee be formed with the Revenue Commissioner as Chairman, the Deputy Commissioners of Shimoga ~~and~~ and Chitaldrug as members besides suitable representatives from this Department among whom the Senior Assistant Botanist in charge of cotton work and the Senior Assistant Director of Agriculture, Shimoga Circle should also be included.

The present Senior Assistant Director of Agriculture, Shimoga, Mr. G. S. Kurpad, is one who has come back after work

and experience in the cotton tracts of the Hyderabad State.

I have the honour to be,
Sir,
Your most obedient servant,

B. Viswanath

Director of Agriculture.

kvs.

ke

Appendix F G—1]

SUBJECT.....

.....

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Section A 9 &

File No. 275 - 35

Serial No. 2

Diary No. of letter replied to.....

No. D 7924

To The Dir. of Agri

Sir, with refce to your
letter No. Roc 2573-Hc-767/
35-36 d 22/5/36 suggesting the
desirability of constituting
a Cmee to go into the questn
of pure cotton seed supply etc
I am directed to state
that Govt consider that
it would be better if the ques
tions involved are further investi-
gated by yourself with the
help of your officers in
consultation with the D. C
Chitaldrug Distt & tentative
proposals are formulated

General and Revenue Secretariat

( )

the *193*

Date of issue 29/6/36

Signed by Illegible B. H.

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

both as regards the varieties of cotton that may be popularised & the advisability of passing a cotton transport regulation

I am therefore to request you to take ~~needful~~ action in the matter on the above lines.

I have etc

W. H.

~~2/22/1636~~ Genl Sec

~~16th~~

19/6/36

R&D 275-35 1268 502

25 JULY 1935

INDIAN CENTRAL COTTON COMMITTEE.

Improvement of Cotton in India.

Adulteration of inferior with superior cottons is one of the most serious problems facing the cotton industry in India. The mixing of "Goghari" - a low grade type - with Navsari 1027 A.L.F. which is one of the very best types of Indian cottons, is a glaring instance of the evil practice which drags down the reputation of Indian cottons in the world market.

To get rid of this self imposed burden on the Indian cotton interests efforts have been made during recent years culminating in the passage of Bombay Cotton Control Bill 1935 through the Bombay Legislative Council. The provisions of this Act are being brought home to the interests concerned in the Surat tract as well as in the adjoining areas of the Baroda State where similar legislative measure is on the anvil.

The Anti-Goghari Campaign has been in progress after the passing of the bill. It is being intensified by the broadcasting of suitable propaganda literature as well as coloured posters prepared by the Indian Central Cotton Committee of which the above is an example.

The poster has been brought out by the I.C.C.C. in co-operation with the Bombay Department of Agriculture and is a vivid representation of the dead weight of Goghari which is holding back Navsari cotton in its progress towards the goal of better prices.

Forwarded with compliments of the Publicity Officer, Indian Central Cotton Committee, Vulcan House, Nicol Road, Ballard Estate, Fort, Bombay.

Subd for perusal. If approd, this may be placed in the file put up below re the improvement of cotton in Mysore. A&B 275-35-(1/2)

30/7

20.7.35

3 AUG. 1935

DEVELOPMENT

A&E 2715

A.B.C. 5th Edition

Telegraphic Address
"Agri. Bangalore."

DEPARTMENT OF AGRICULTURE.

MYSORE STATE.

No. ROC.2543/Hc.767/35-36. OFFICE OF THE DIRECTOR OF AGRICULTURE,

Bangalore, 5th October, *193*6.

(502)

1846

FROM

B. NARASIMHA IYENGAR, ESQ., B.A., PH.D.,
DIRECTOR OF AGRICULTURE IN MYSORE,
BANGALORE.

GEN. & REV. SECRETARIAT - 7 OCT. 1936 DEVELOPMENT BRANCH

TO

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

GENERAL SECRETARIAT 6 OCT. 1936

SIR,

With reference to your letter No.D.7924/A&E.dated 29th June 1936 and subsequent reminder thereto regarding the varieties of Cotton to be popularised and the advisability of passing a Cotton Transport Regulation, I have the honour to state that the Senior Assistant Director of Agriculture, Shimoga, has been asked to collect all the necessary data and submit a report after discussing the subject with the Deputy Commissioner, Chitaldurg. He has again been reminded to expedite the submission of his report.

As soon as it is received from him my report in the matter will be submitted to Government.

I have the honour to be,
Sir,
Your most obedient servant,

B. Sankara Rao
Director of Agriculture.

A/J.

Subd. for perusal with previous papers 8/10.
for perusal
Ag Secy 10.10.36
12/10
10.10.36

GENERAL SECRETARIAT 10 OCT.

SWS A
12/10

GEN. & REV. SECRETARIAT 12 OCT. 1936 DEVELOPMENT BRANCH

A.H.E 275-35

A.B.C. 5th Edition

Telegraphic Address
"Agri. Bangalore."

DEPARTMENT OF AGRICULTURE.

MYSORE STATE.

DEVELOPMENT BRANCH

No. Roc.652-Hc.211/36-37.

OFFICE OF THE DIRECTOR OF AGRICULTURE,

Bangalore, 13th February, *193* 7.

4412

FROM

B. NARASIMHA IYENGAR, ESQ., B.A., PH.D.,
DIRECTOR OF AGRICULTURE IN MYSORE,
BANGALORE.

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

GENERAL SECRETARY.
15 FEB. 1937

Sir,

In continuation of this office letter No.Roc.2543-Hc.757/35-36 dated 5-10-36 regarding varieties of Cotton to be popularised etc., I have the honour to forward herewith a copy of Minutes of the informal meeting held on 9-11-36 at the instance of the Deputy Commissioner, Chitaldrug. Further action on the subject is being taken and a separate report will be submitted to Government in due course.

I have the honour to be,
Sir,
Your most obedient servant,

B. Narasimha Iyengar
Director of Agriculture.

A/J.

No.6932-No.211/36-37

JOIN.SECRETARY.

Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

In continuation of this office letter No.Noc.4543-No.757/35-36 dated 3-10-35 regarding varieties of Cotton to be popularised etc., I have the honour to forward herewith a copy of Minutes of the Informal ing held on 3-11-35 at the instance of the Deputy Commissioner, Chitaldrug. Further action on the subject is being taken and a separate report will be submitted to Government in due course.

I have the honour to be,
Sir,
Your most obedient servant,

Director of Agriculture.

Minutes of an informal meeting held at Davangere Traveller's Bungalow on 9-11-1936.

The Revenue Sub Division Officer - Presiding.

Members present.

1. Mr. Sirur.
2. " Oreconde Murigappa.
3. " B.T.Chandranna.
4. " A.Channabasappa.
5. " Belagavi Channappa.
6. The Manager of Mysore Bank.
7. The Municipal Engineer.
8. The Chief Officer, Davangere Municipality.
9. The Senior Assistant Director of Agriculture.
10. The Agricultural Inspector, Davangere.
11. Mr. Putappa.
12. " Neethaji Mutmal Sokli Chand.

Mr. Chandranna and Mr. Oreconde Murigappa were of the opinion that the closing down of their local offices by Messrs. Binny's was due to the fact that the Davangere cotton had deteriorated in quality. They said that there was a deterioration noticed during the last 2 or 3 years and that this was due to the fact the cultivators used the same seed year after year.

Mr. Sirur who is a buyer of cotton for the mills worked by Messrs. Sirur & Sons and who has been working here for the last 20 years was of the opinion that there has been a distinct improvement of both quality and staple during the last few years. He was of the opinion that Messrs. Binny's had closed down their offices because they wanted a cotton superior in quality to that which could be got here.

The Assistant Director pointed out that Mr. Sirur's statement was likely to be nearer the facts, since the department has been supplying seed of an improved variety during the last few years and the influx of this cotton into the market must have certainly improved the quality. He also said that this year a further improvement would probably be noticed.

The president next put to the members to state what steps should be taken to improve matters. The members were of the opinion that improvement could be achieved by

1) Giving improved seed to the cultivators,
2) Compelling farmers to sow only improved seed and
3) Undertaking necessary legislation applicable both to growers and traders.

The president then suggested to the members of the Trades Association that they should call for a general meeting, should dis

cuss the legislation in force in Bombay in connection with this problem, and should pass a resolution recording their opinion about the changes that they would suggest in the legislation that would be passed to meet local conditions. The Assistant Director said he would supply the Association with a copy of the Bombay legislation.

The meeting terminated.

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" C o p y "

Director of Agriculture.

Note on the improvement of Cotton in Chitaldrug District.

Present position.

The bulk of the cotton that is grown in the Mysore State is grown in the Chitaldrug District, where on the average 80 to 90 thousand acres are under cotton every year. The cotton grown here is popularly classified into two varieties; Sannahatti and Doddahatti. These are not pure varieties but mixtures of various pure varieties going under one popular name. The Sannahattis comprise old world cottons and Doddahattis, new world cottons. Botanically, Sannahattis are all derivatives of Gossypium Herbaceum and G. arboreum and the Doddahattis, derivatives of Gossypium Hirsutum. Commercially Sannahattis come under the Kumpta type and Doddahattis under the Upland type. Generally, in the Chitaldrug District, Sannahattis are grown on the black soils, being sown in September and October. The Doddahattis are usually grown on red soils, being sown in August. Sometimes we find both these grown side by side in both kinds of soil.

Attempts have been made to improve the local cottons by isolating pure strains and making selections therein for yield and other desirable qualities like texture staple, ginning percentage, colour, cleanliness in picking, and so on.

The cultivators of cotton usually get their supply of seed from the merchants with whom there is an understanding that all the produce will be taken to them for sale. The seed is given on credit on varying terms but in all cases the grower is bound to take the produce to the merchant. In addition, there is usually some financial transactions between the grower and the merchant and the former is invariably indebted to the latter. Under

Under these circumstances the grower is more or less forced to obtain his supply of seed from the merchant and also forced to hand over his produce to the merchant for sale. The merchants get the seed from their gins where there is no effort to keep the seed pure. On the other hand, it is well known that mixing of different kinds is done for trade purposes. The result is that the seed obtained is a mixture of good and bad varieties and this is handed on to the cultivators, and the quality of the crop becomes poorer and poorer as time goes on.

The usual practice is for the cotton merchants to make up trade samples consisting of empirical mixtures of various qualities of cotton and to offer them to the mill buyers. Contracts are made on the basis of such samples. In this process, there is room for a good deal of variation in the mixtures. During the last few years, a very inferior kind of cotton has been introduced into the District. This cotton has a very good colour but very poor staple and it is used for mixing with suprior cottons for making up the bulk- This mixing of inferior cottons with suprior ones has naturally tended to become worse in the course of years and this has given a bad reputation to the place from where such mixed cottons are sent. This mixing has reached such propostions that mill buyers of fine cottons are ceasing to make purchases in Davangere market. Where, however, buyers come in direct touch with growers, there is more chance of getting pure cotton. The Department of Agriculture has been distributing seed of improved varieties on a large scale for the past six years and all this cotton has come to the market at Davangere and Chitaldrug. Inspite of this, the reputation of Davangere has gone down due to the increased mixing of inferior varieties. It is, however, the opinion of some of those who buy direct from the growers that the quality of cotton coming into Davangere market has been steadily improving- This seems to be a direct result of large scale distribution of improved seed. (Appendix No1.)

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Improvements.

The Department of Agriculture has been at work on the imrpovement of cottons only since 1917. Two lines of attack have been pursued, one in the direction of getting a superior variety by simple selection and two, in the direction of hybridization between two species containing desirable qualities. - From the first process, a variety named Selection 69 has been obtained. The technological and other reports confirm the - superiority of this variety over the local Sannahatti (Appendix No. 2) and during the last five years, 1941 Mds. of this seed have been distributed. From the second process, a variety named H. 190 has been obtained. The technological and mill report about this variety (Appendix No. 3) show that this is a very superior variety, ...112... Mds. of this variety have been distributed during the last ...2... years.

The Sannhattis are attacked by a disease - called wilt in certain areas. These areas cannot be clearly - defined and the area seems to be increasing year after year. The improved varieties so far introduced by this department are susceptible to this wilt disease. Attempts are now being made to breed by cross breeding, a variety which is resistent to wilt and at the same time has all the desirable qualities of a superior quality of cotton. Results so far achieved are very promising. The Doddahattis also are attacked by a disease - called the Red Leaf Blight, which is very severe in certain - seasons. It has been recognised that this is a physiological disease and the cause of the disease has not yet been definitely determined. All new world cottons are subject to this disease. Attempts are being made to breed a type of cotton in deshi - cottons which, while it has all the good qualities of Upland - cottons, is not susceptible to this leaf blight. In this work also results so far obtained are promising. The new variety - which has been evolved, called Cernum - Nadum, will also be - usefull to replace the very coarse Neglectums called Bokda whos

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whose cultivation is now spreading and which is being used for mixing with finer cottons. Technological reports about these two varieties are appended. (Appendix Nos. 4, 5, & 6)

In the absence of Government Seed Farms which could grow and supply large quantities of improved seed for general distribution, it has not been possible to put out appreciable quantities of the seeds of varieties mentioned above. A strong organization to produce and supply the necessary quantity of pure seed is proposed to be set up shortly so that in a few year's time we shall be able to supply certified seed to the whole area. The schme is enlcosed as appendix No. 5.

The Bombay Government Cotton Breeder at Dharwad has evolved a cotton of the Kumpta type, which while having necessary good qualities is also resistent to wilt to a great extent. This seed is being brought by the Department on a small scale consistent with the funds at its disposal and distributed over the Sannahatti tract of the whole district since last year. Until we can produce seed from our own improved varieties resistant to wilt (like strain 19) in sufficient quantity, we shall have to continue this work. Similarly, Gadag No. 1 is being imported for the Doddahatti areas in the Chitaldrug District and the Banavar area of the Kadur and Hassan districts.

M.A. II, bred on the Babboor Farm is being distributed in the Banavar area as being superior to the local cottons and also to Gadag No. 1. (Appendix No. 6...)

A word should be said here about the price of the seed sold to cultivators. As it is, there is a difference in price between the seed offered for sowing and that offered as cattle feed in the local bazaars. Unless the price of the improved seed is kept a little higher than the bazaar seed there is every danger that the seed will be used for cattle feed instead of sowing purpose. At present, the department sells the improved seed at about 10% above the market rates although it involves some loss. (Orders are that no loss should accrue to Government

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Government through the sales of seeds and manures)Since for the present we have to make our purchases outside the State and have to incur freight expenses over it, the price of seed is - likely to be a little high. If a bigger grant is given and - Government allows the incurring of some loss, we can supply seed at reasonable rates. The cultivator generally knows the value of good seed and is always prepared to pay a reasonable price - for it. It would serve no useful purpose and it would not be good policy to sell pure improved seed at the same rate as or cheaper than bazaar stuff of uncertain quality.

Mention must be made here of the very useful work that is being done by the Maradihally Co-operative Society. Pure seed of the improved strains, is supplied to a few members of the - Society. The crop of these members is watched and kept pure by the Agricultural officers. The seed of the resultant crop is distributed to other members and their crop is also kept pure. The seed from this crop is bought by the Department for its - general distribution through out the district. The quantity however is not enough to cover the whole cotton area and hence the necessity for a scheme with this Society as a nucleus. - Incidentally the Society is able to pool the produce of all its members and offer it for sale. The department is able to certify that the stuff is pure and unadulterated with inferior - cottons, as the ginning is done under its control and consequently the prices obtained for this cotton are usually very - good. The expansion of this Society as a Co-operative sale Society with a wider sphere of activity, on the lines of the Hubli and Gadag Co-operative Societies, will not only ensure good prices for the producers but will also result in putting good and pure seed of improved varieties on the market.

Future work.

The first thing that has to be done is to organize a supply of pure seed which can meet the demand of the whole - district. Two things are necessary for this firstly the growing

district. Two things are necessary for this Firstly the first supply of pure seed which can meet the demand of the whole -

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growing of at least twenty acres of cotton on the Government Farm at Babboor of first class seed of improved varieties, and secondly the organization of a Seed Growers' Association on the lines indicated in appendix No. 5 so that steady stream of the finest possible seed will be coming into this organization at one end and going out the cultivators at the other end. Unless the supply of seed is organized on a thoroughly sound basis, no improvement can be expected.

Once we get this organization going and begin to supply the cultivator with the best possible seed, we must take steps to see that the crop raised from this seed is marketed pure and is not mixed with inferior cottons. For this, legislation is necessary. Legislation is in existence both in Bombay and in Hyderabad State and there is no doubt it has helped to raise the standard of cotton in both these places. The Cotton Transport Act, the Cotton Ginning and Pressing Act, The Cotton Markets Act, The Cotton Transport Act, The Cotton Ginning and pressing Factories Act and the Cotton Control Act in force in Bombay are given as appendices Nos. 7, 8, 9, and 10. These may very well serve as models for our State. The Cotton Transport Act would prevent the import of inferior Cotton and cotton seed from beyond the frontiers of the State. It will take some time to eliminate the inferior cottons that have already come in. With the liberal distribution of improved seed all over the area and with the provision of some penalty for growing inferior seed it is reasonable to expect that the inferior seed will soon go out of existence.

To give the cultivator the fullest benefit from growing improved strains of cotton, marketing must be controlled by the establishment of properly organised markets and by the establishment of Co-operative Sale Societies like those at Hubli and Kopbal. (Appendices 11 and 12). Government

Government control over properly organised markets will mean that there will be no chance for malpractices of any kind, that the buyers will have confidence about the quali of cotton that they can get and the cultivator will get th fullest value for his labours.

Summary.

The two principle types of cotton grown in Chitaldrug District are Sannahatti on black soils and Doddahatti on red soil. Cultivators are usually in debt to cotton -- merchants at Chitaldrug or at Davanagere from whom they get their supply of seed and whom they turn over thei produce.

Sales are conducted by the merchants on the basis of emperical samples made up by them. This gives roo for mixture of inferior with superior cottons.

The large admixture of inferior cottos, seed of which has been imported by some merchants and distributed to the cultivators has resulted in the Davanagere market getting a bad reputation.

Improved seed is being distributed by the Department on small scale, both directly and through Cooperative Societies.

What is required is a sound organization to supply pure improved seed for the whole area and legislation to stop importation of inferior cottons, and to -- - prevent the indiscriminate mixing of superior and inferior cottons, on the model of legislation existing in Bombay & Hyderabad.

Extract from the report of the Technilogocal Laboratoty , the Central Indian Cotton Committee, Bombay.

The following is the mill report on the local sannahatti and of the two strains;-

1. Local sannahatti, The staple of this sample is irregula both in length and strength. There is a great amount of short fibres in the sample and it is also discoloured.

Sannahatti Sel 45- The colour of this sample is good being very white. The staple is level and the strength moderate.

Sannahatti sel 69- This sample has a good white colour The staple is level and the strength good.

(Bangalore Woolen, Cotton and Silk mills Co: Ltd Bangalore 23

Notes on H 190
Regarding results.

A-pp-3

These results are very encouraging and confirm the good impression we formed on last year sample. The fibre is somewhat shorter and coarser this year but this may be due to the poor climatic conditions under which the crop was grown. In point of strength, evenness and freedom from nep the yarn spun from H.190 compares very favourably with any yarn we have spun from the best Cambodia, Jaywant or Hagari 1 and so that you may judge the results obtained, we enclose a number of inspection boards.

Unless there is any set back, which is very probably very unlikely at this stage, we confidently anticipate a ready sale for such cotton as soon as it is grown in bulk. It is difficult to estimate in advance the value of H.190, but if the present stanard is maintained it should fetch not less than Rs30/40 more per Madras candy than the cotton now being grown in the Davanagere and Chitaldrug Districts.

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App. S (29)

Co-operative Seed Growers' Association.

To ensure the supply of pure seed enough to meet the demands of the whole district of Chitaldrug and some neighbouring taluks, an organization to be known as the Co-operative Seed Growers" Association" is necessary. In the absence of Government Seed Farms, this associati... will serve the purpose of growing the necessary quantity of pure seed. Instead of being a single big farm in any one place, we shall have a number of small farms scattere over the whole area.

Pure certified seed will be supplied from the Govern ment Experimental Farm to a few members. This crop will be rigorously supervised by the departmental officers, in all stages. The seed obtained from this crop will next be distributed to the other members, who will be helped to keep the crop pure, and the seed obtained from this will be available for general distribution. The process will be a continuous one, the smaller number of members getting seed for their sowing, fresh from the Government Farm every year.

At the beginning, there will be practically no expenses for the Association except that for stationery, since most of the supervising work will be done by the Officers of the department. As the work progress and the members become able to manage the affairs themselves, the whole work can be entrusted to them when there might be more expenditure to meet.

R u l e s.

1. Membership of the Association will be restricted to such growers of cotton who will undertake to put in at least 25 acres every year under cotton. As far as possible, the area will be concentrated for ease in supervision.

2. Members agree to sow the seed supplied by the department and conduct all the operations as directed by the Departmental Officers.
3. The whole produce will be kept pure and separate and will be taken to such centres as will be specified by the department.
4. The entire stock of seed will be available to the department for purposes of distribution. The department will buy the seed at a slightly higher rate than the ruling market rate.
5. The management of the association will rest in the hands of a Committee consisting of the Assistant Director of Agriculture, the Agricultural Inspector, the Co-operative Inspector, and five Directors from the members.
6. The sale of the seed, and all necessary arrangements will rest with the Committee.
7. Shares will be of the value of Rs 10/- each and may be paid for in instalments.

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Adopted from the Bombay Act - Vide Annual Report of the Indian Central Cotton Committee Bombay for the Year ending 31.8.1927 (Bill No III of 1927)

App-7

Mysore Cotton Markets Bill.

~~Bill No. III of 1927.~~

A bill to provide for the establishment and the better regulation of Cotton markets in the Mysore State.

(As passed by the Mysore Legislative Council on .....)

Whereas it is expedient to provide for the establishment of recognised open markets for the purchase and sale of cotton in the Mysore State and for the better regulation of such markets; And whereas the previous sanction of Government required by Section 80 A of Government of Mysore Act and previous sanction of Government required by Section 80.C. of the said Act have been obtained for the passing of this act; It is hereby enacted as follows:-

Short title. This Act may be called the Mysore Cotton Markets Act 193 .....

Extent. 2. This act shall apply to the whole of the Mysore State ~~except .....~~ as from time to time constituted ~~the Municipal area of .....~~

Definitions. 3. In this act unless there is anything repugnant in the subject or context:-

(i) "Cotton".- "Cotton includes ginned cotton and unginned cotton.

(ii) "Cotton Market" - "Cotton Market" means a market established under Section 4.

*(iii) 'Grower of Cotton' - " A grower of cotton shall not include a dealer or broker in cotton, although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purpose of this act, the decision

decision of the Deputy Commissioner of the District in which the person permanently resides shall be final.

(iv) 'Prescribed' - "Prescribed" means prescribed by rules or bye-laws made under this Act.

4. *(1) The local Government may after consulting the District Local Board and such other local authorities as they deem necessary or upon a representation made by the District Local Board, by notification in the Mysore Gazette, declare that any place shall be a cotton market established under this act.

Notification of a cotton market.

(2) Every such notification shall define the limits of the Cotton market so established, and may, for the purposes of this Act include within such limits such local area as the local Government may prescribe.

* clause as ammended at the second reading. The ammendments have been taken from the official reports of Bombay Legislative Council debates.

5. For every cotton market there shall be a market Committee. The Market Committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these not less than half shall be persons elected by the growers of cotton of such area as the local Government may prescribe, one shall be a member nominated by the Local Government, one shall be elected by the District local Board of the District in which the cotton market is situated, one by the Municipality, if any, of the area in which the market is situated, and remainder shall be elected by the traders in the

[The Market Committee]

the cotton market in such manner as may be pres cribed.

6. (1) The local Government may either generally or specially for any cotton market, or group of such cotton markets, make rules consistent with this Act for the purpose of the management and regulation of such - cotton marketsm under this act.

Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate:-

(i) the election and nomination of members of the Market Committee, the number of members to be - elected by each of the bodies or groups of individuals referred to in Section 5, and the manner of election, the preparation and revision of lists// of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members,

(ii) the powers to be excercised by the Cotton - Market Committee

(iii) the election of the Chairman of such Commit tee and his term of office;

(iv) the filling of casual vacancies in the offic of members or in the office of Chairman of the - Market Committee;

(v) The management of the Cotton market and the prescribing of fees by the Market Committee, and subject to the provisions of this act, the collection and disposal of such fees;

(vi) The issue by the Marcket Committee of licence to brokers, weighmen, measurers, surveyors and warehousemen, and other persons using the cotton

cotton market, the form in which, and the conditions under which such licenses shall be issued, and the fees to be charged for such licenses;

(vii) The place or places at which cotton shall be weighed or measured, and the kind and description of the scales, weights and measures to be used at such place or places;

(viii) The periodical inspection, verification and correction of all scales, weights and measure in use in the Cotton market;

(ix) the trade allowances which may be made or received by any person in any transaction in a cotton market;

(x) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimate--

(xi) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published;

xii) the preparation of an annual budget and its submission for sanction and the reports and returns which shall be furnished by the market committee

(xiii) the disposal of any surplus funds of the market committee;

(xiv) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a Magistrate be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be

shall be subject to previous publication and shall, when made be laid on the table of the Mysor Legislative Council for one month previous to the next session thereof and shall be liable to be - rescinded or modified by a motion of the said - Council tabled at the next session.

*(clause as amended at the second reading. The amendments have been taken from the official report of Bombay Legislative Council debates)

Byelaws.

Subject to any rules made by the local Gover -ment under the last preceeding - section and with the previous - sanction of the Commissioner, the Market Committee may, in respect of the Cotton market under its - management make byelaws for the regulation of th business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a Magistrate be punishable with fine which may extend to fifty rupees.

Sub Committees and joint Committees and delegation of powers.

The Market Committee may appoint one or more of its members to be a Sub Committee or to be a joint committee for the conduct of any work or works for to report on any matter or - matters and may delegate to any one or more of its members such of its own powers as may be - necessary.

9. (1) Appointments and Salaries of servants of the Market Committee.

The Market Committee may employ such officers and servants as ma be necessary for - the management of the Cotton Market and may pay such officers and servants such salaries as the Committee thinks fit. The Committee may, in th case of any officer or servant of Government whi

which it employs, pay such pension contribut. gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the Market Committee shall be excercised subject to any rules which may be made in this behalf by the local Government.

10. (1) Every contract entered into by the Market Committee shall be in writing and shall be signed on behalf of the market committee by the Chairman and two other members of the market committee.

Contracts how executed.

(2) No contract other than a contract execut.. as provided in sub section (1) shall be binding on a market committee.

11 * All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

The Market Committee Fund.

12. Subject to the provisions of Section 11 the.. the market committee fund shall be expended

Purposes for which the Market Committee fund may be expended.

expended for the following purposes only:-

(i) the maintenance and improvement of the cotton market;

(ii) the construction and repair of building which are necessary for the purposes of such market and for the health convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee; and

(iv) the expenses of and incidental to elections.

13. No trade allowance other than an allowance prescribed by rules or byelaws made under this Act, shall be made or received by any person in any transaction in a cotton market established under this Act, and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such cotton market have regard to any trade allowance not so prescribed.

No trade allowance not recognised by custom or rules allowable.

Explanation. Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample or of deviation from standard, when the purchase is made by a reference to a known standard, on account of difference between the actual weight of the sacking and the standard weight or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. Every market committee shall be a body corporate by the name of "The Market Committee of ....." and shall have perpetual

Market Committee to be a body corporate.

perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it and to contract and to do all things necessary for the purpose of this Act.

15. (1) Every market committee may with the previous sanction of the local Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the Market Committee, and of any fees levied by the market committee under this Act.

Power to borrow.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the local Government.

16. (1) If in the opinion of the local Government a Market Committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or exceeds or abuses in its powers, the local Government may by an order published in the Mysor Government Gazette declare such market committee to be incompetent, or in default or to have exceeded or abused its powers, as the case may be, and may supersede it.

Supercession of Market Committee.

(2) When a market committee has been superseded, all members of the Committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded,

superseded, all property and rights vested in it shall, subject to all charges and liabilities - affecting the same vest in Government.

Provided that if no new market committee is constituted for the cotton market under Section all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the - local authority of the area in which the cotton market is situated for the purpose of any object of public utility in the said area.

17. Wherever the local Government has by a notification under S -tion 4 declared any place to be a cotton market, no person shall, within the limits of such cotton market or within a distance thereof to be notified in the Mysore Gazette in this behalf in each case by the local Government, except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cott

No private market to be opened in, or near places declared to be cotton - markets.

Explanation.- A person shall not be deemed to - set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the premises set apart by the market committee for the purpose of purchase and sale of cotton.

18. Whoever in contravention of this Act, set up, establishes continues or allows

Penalties.

allows to be continued any market for the purpose of the purchase and sale of cotton or violates the conditions under which he has been allowed to set up, establish or continue, any such market shall on conviction by a Magistrate to be punished with fine which may extend to Rs 500/- and in case of a continuing breach of provisions of Section 17 with fine which may extend to Rs 100/- for each day after the first during which the breach continues.

~~21.~~19. No offence under this act or under any rule made under Section 6 or under any bye law made under Section 7 shall be triable by a Magistrate other than a Magistrate of the First class.

Offences to be triable by a ~~I~~class Magistrate.

All fines and damages recovered from an offender shall be paid to the Market Committee/

prosecutions under this Act may be instituted by any person - ~~only~~ duly authorised in writing by the market committee in this behalf.

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Adopted from the Bombay Act (Vide Annual Report of the Indian Central Cotton Committee Bombay for the Year ending 3

A bill to provide for the better regulation of Cotton ginning and cotton pressing factories.

Whereas it is expedient to provide for the better regulation of cotton ginning and cotton pressing factories; it is hereby enacted as follows:-

Short title, extent, and commencement.

1. (1) This act may be called the cotton ginning and pressing factories act of 1937.

(2) It extends to the whole of Mysore State.

(3) It shall come into force on such date as the Government may by notification in the Mysore Gazette - appoint.

Definitions

2. In this act unless there is anything repugnent in the subject or context:

(a) "bale" means any pressed package of cotton of whatever size or density;

(b) "cotton" means ginned or unginned cotton cotton waste or cotton seed;

(c) Cotton ginning factory means any - place where cotton is ginned or - where cotton fibre is separated from cotton seed by any process whatever involving the use of steam, water or other mechanical power or of - Electric power;

(d) "Cotton pressing factory" means any factory as defined in the Indian - factories act, 1911 in which cotton is pressed into bales;

(e) "Cotton waste" means droppings, - strippings, fly and other waste products of a cotton mill or of a cott

otton ginning factory, or of a cotton pressing factory, but does not include yarn waste.

(f) "Indian Central Cotton Committee" means the Indian Central Cotton - Committee constituted under the - Indian cotton cess act 1923 and includes any Sub Committee appointed by it to perform any function of - the Indian Central Cotton Committee under this act; and

(g) " prescribed" means prescribed by or under rules made under this act.

Maintenance of Registers.

3. (1) The owner of every cotton ginning factory shall caused to be maintained at the factory in such form, if any, as may be prescribed, a - ginning register containing a daily record of all cotton ginned in the factory and of the names of the - persons for whom the cotton has bee ginned and of the amount ginned for each person.

(2) The owner of every cotton pressing factory shall cause to be maintaine at the factory in such a form, if any, as may be prescribed, a press register containing a daily redord of the number of bales pressed in the factory, the serial number of each bale, and the name of the person for whom it has been pressed.

(3) The owner or the person in charge of a cotton ginning or cotton press

pressing factory shall be bound to produce any ginning register/Press Register maintained under this section when required to do so by any person appointed by the local Government in this behalf, and the owner or person in charge of any cotton pressing factory shall be bound to furnish to the Indian Central Cotton Committee if so required by it in writing, a copy, certified as correct by the owner or person in charge of the factory, of the entry in any press register maintained at the factory relating to any specified bale.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If --

(a) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or

(b) any entry in any such register is proved to be false in any material perticular, or

(c) any such register is destroyed before the expiration of the period referred to in Sub section (4),

the owner of the factory shall be punishable with fine which may extend to fifty rupees or, if he has previously been convicted of an offence under this sub section to five hundred rupees.

(6) If the owner or the person in charge of any factory fails to produce any register or to furnish a certified copy of any entry, when required to do so under subsection (3), or furnishes a certified copy of an entry knowing or having reason to believe such copy to be false, he shall punishable with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this subsection to five hundred rupees.

4. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press house, with a serial number and with the mark prescribed for the factory.

Marking of bales.

(2) If any bale is removed from the press house of any cotton pressing factory without having been marked as required by subsection (1), the owner of the factory shall be punishable with fine which may extend to fifty rupees.

5. (1) The owner of every cotton pressing factory shall submit to the prescribed authority on such dates and in such form as may be prescribed weekly and annual returns showing the total number bales of cotton pressed during the preceeding week and the preceeding year respectively, and the approximate net weight of each bale.

Returns

(2) The local Government shall compile from the weekly and annual returns and shall publish in such manner as the Government of Mysore may direct a statement showing the total number of bales pressed in the State during the week and year respectively to which the returns relate:

provided that the number of bales pressed in any individual factory shall not be published.

(3) If default is made in submitting any return as required in subsection (1), the owner of the factory shall be punishable with fine which may extend to one hundred rupees.

6. (1) No scales or weights shall be used in any cotton ginning or cotton - pressing factory other than the scales or weights, if any, prescribed by the local Government as standard for the district in which the factory is situated.

Scales and weights.

(2) If any factory in which any scale or weight is used in contravention of the provisions of subsection (1), the owner of the factory shall be punishable with fine which may extend to fifty rupees, or, in the case of any second or subsequent offence to five hundred rupees.

7. (1) In the case of all cotton ginning factories in the construction of which is commenced after the commencement of this act:-

Structural requirements for Factories.

(a) gin houses shall be provided with separate entrances and exits for the bringing in of unginned and taking out of ginned cotton respectively, and

(b) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority.

(2) Within such period after the commencement of this Act as may be presribed, the owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(3) If the owner of any factory fails to comply with any provision of

of this section which is applicable to the factory he shall be punishable with fine which may extend to one hundred rupees and in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the failure continues.

8. Liability of officers of a company.

Where the person guilty of an offence under this act is a company every director, Manager Secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the like offence and liable to the like punishment.

9. Cognizance of offences.

(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or an Inspector of Factories appointed under the Indian Factories act 1911.

(2) No offence punishable under this act or under any rule there under shall be tried by any court inferior to that of a Presidency Magistrate or of a Magistrate of the First class.

10. Power of the Dewan to make rules.

The Dewan in Council may make rules to provide for

(a) the allotment of a special

mark to be used by each pressing factory for the purpose or the making of rules;

(b) the manner in which bales shall be marked; and

(c) the manner in which the weekly and annual statements referred to in section 5 shall be ~~provided.~~ published.

Power of the local Government to make rules.

11. (1) The local Government may, by notification in the official Gazette, make rules consistent with this Act, to provide for all or any of the following matters, namely:-

(a) the forms in which registers records and returns are to be maintained or submitted and the verification of records and the inspection of registers;

(b) the appointment of the authority to whom and the dates on which the returns required by section 5 shall be made;

(c) the weights and the scales to be used in cotton ginning and cotton pressing factories in any district in the State and the spection of the same;

(d) the appointment of authorities for the purposes of section 7;

(e) the powers of entry and ins

inspection which may be exercised by District Magistrates and Inspectors of Factories in the case of cotton ginning factories which are not factories within the meaning of the Indian Factories Act 1911; and

(f) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

(2) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with fine which may extend to one hundred rupees.

Power to reject unmarked bales in fulfilment of contracts.

12. After the expiration of one year from the commencement of this Act any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked in accordance with section 3 shall be supplied in fulfilment of such contract, and, if he does so require, no bale not so marked shall be tenderable in fulfilment of the contract:

provided that nothing in this section shall apply to a contract for the sale and delivery of

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are not factories within the mean
of cotton ginning factories which
Inspector of factories in the case
closed by District Magistrates and
inspection which may be exer-

of cotton grown before, or less than one year after, the commencement of this Act.

13. Protection for acts done under Act. No suit other than legal proceedings shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

Statement of Objects and Reasons.

The Indian Cotton Committee which was appointed in 1917 in chapter XVI of their report recommended certain measures including the licensing of cotton ginning and pressing factories, to prevent such malpractices as damping, mixing and adulteration, which are injurous to the quality and reputation of ~~official~~ Indian cotton. The recommendations of the Committee, however, involved the excessive amount of official interference. The object of the present bill is to put the trade in a position to protect itself by providing for the marking of bales and the record of ownership, and by providing further that unmarked bales are not tenderable in fulfilment of a contract, if marked bales are demanded by the purchaser.

The bill also makes provision for the maintenance of registers for statistical returns, for the use of correct ~~weights~~ scales and weights, and for the structural improvement of ginning and pressing factories. The bill is based on the recommendations of the Indian Central Cotton Committee, and is supplementary to the Cotton Transport Act 1923.

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How the proposed Act would help the grower.

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How the proposed Act would help the grower

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a position to protect himself. This will lead to greater confi dence in buying and thus to higher prices to the grower. We ha an excellent example of how the cultivator has benefited by the stopping of abuse in the application of Cotton Transport Act in Bombay. It is well known that the quality of Surat, Kumpta and Dharwar cottons has gone up enormously since the importation of short staple cotton by rail and sea for mixing purposes was - stopped. The prices for the cotton and kapas of these areas rela tive to other cottons rose considerably and the cultivator - gained.

It has already been stated that this bill is a necessary - complement to the Cotton Transport Act and the reasons are ob- vious. In the first place the bill now proposed is made genera in its application for there are many abuses prevalent in gin- ning and pressing factories with which the Cotton Transport Act does not deal. Secondly, the Cotton Transport Act can only be fully successful where well defined areas with good natural - boundaries can be chosen within which only one variety of cotto is grown.

There are many areas in India where owing to limited irri- gation facilities or other Agricultural reasons more than one - type of cotton are grown in the same tract. Again complete con- trol of the transport of cotton by road is only a practical pos tion where the tracts growing different varieties have definite natural boundaries which unfortunately is not always the case.

Under these circumstances, the only practical remedy appe to be to render malpractices at ginning and pressing factories difficult and unprofitable.

The cotton trade, on the whole appears to be fairly well - organised; the cotton growers are mostly small men and not yet organised. Consequently there is ample justification by legisl -tive action to prevent short sighted middlemen from following policy likely to cause lasting injury to the cultivators by sp ing the good name and lowering the reputation of the cotto which are actually grown.

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No.A.598(44).
Office of the Agricultural Marketing Adviser
to the Government of India.

Rock House, Simla S.W.,
the 24th August 1938.

From

D.R.Sethi, Esq., M.A.,B.Sc.,I.A.S.,
Agricultural Marketing Adviser.

To

The Marketing Officer,
Mysore State,
Bangalore.

Sir,

I have the honour to forward herewith a draft outline of a model bill to provide for the establishmen and better regulation of markets dealing in agricultural produce. It is hoped that this would serve as a suitable basis for the preparation of bills in provinces and States where these have not so far been drawn up and considered in the Legislatures. The draft will require revision in accordance with the local conditions and circumstances.

2. It is requested that your comments, if any, may be forwarded to me for consideration and necessary action.

I have the honour to be,

Sir,

Your most obedient servant,

29/8/38.

30/8

30-8-38

20/8/38

Agricultural Marketing Adviser.

A.R.

AGRICULTURAL PRODUCE MARKETS BILL.

A Bill to provide for the establishment and better regulation of markets dealing in agricultural produce in *_____.

Preamble

Whereas it is expedient to provide for the establishment of recognised open markets for the purchase and sale of agricultural produce in *_____ and for the better regulation of such markets it is hereby enacted as follows:-

Short title and extent.

1. (1) This Act may be called the *_____ Agricultural Produce Markets Act, +_____

(2) It extends to @_____

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "Agricultural produce" includes all produce of agriculture or horticulture, animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce.

(b)"Regulated Market" means a market established under section 4 of this Act.

(c) A "Grower of agricultural produce" shall mean a person who grows agricultural produce but shall not include a dealer or broker in that crop although he may also be growing it.

If a question arises whether any person is a grower of an agricultural produce or not, for the purposes of this Act, the decision of

---

*Name of province or State.
+Year in which the Bill is passed.
@The territory to which the Act shall apply.

the & _____ of the district in which the person permanently resides shall be final.

(d) "Local body" means the district board, municipal committee or a union board, duly constituted, as the case may be.

(e) "Notified area" means an area notified under Section 3.

(f) "Prescribed" means prescribed by the rules or the bye-laws under this Act.

Notification of a Market of Agricultural Produce

3. The Local Government may, after consulting the Local body and such other local authorities as they deem necessary, or upon a representation made by the Local body, declare, by notification in the _____Gazette, that any place, within a notified area, shall be a Market for the purchase and sale of agricultural produce, established under this Act.

Every such notification shall define the limits of the agricultural market so established and may, for the purposes of this Act, include within such limits such area, known as the notified area, as the Local Government may prescribe.

Establishment and constitution of market committee.

4. The Local Government shall establish a Market Committee for every such notified area The Market Committee shall be constituted as prescribed and shall consist of not less than Ø 12 and not more than Ø 16 members. Of these not less than half shall be persons

& Collector, Deputy Commissioner or Magistrate as the case may be.

Ø To be filled in according to local circumstan

elected by the Growers of agricultural produce of such area as the Local Government may prescribe, one shall be a member nominated by the Local Government, one shall be elected by the District Board of the district in which such a market is situated, one by the Municipality, if any, of the above area, or by the Union Board, and the remainder shall be elected by the traders in the said Market, in such manner as may be prescribed.

It shall be the duty of the Market Committee to enforce the provisions of this Bill and the Rules and Bye-laws made thereunder in such notified area, for the purpose of regulating the purchase and sale of agricultural produce.

Incorporation of Market Committees.

5. Every Market Committee shall be a body corporate by such name as the Local Government may specify in the notification establishing it, shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established.

Sub-committees and Joint Committees and delegation of powers.

6. The Market Committee may appoint three or more of its members to form a Sub-Committee or to a Joint Committee for the conduct of any work, or to report on any matter, or may

delegate to any one or more of its members such of its powers or duties as it may think fit, for a particular purpose or time.

Rules.

7.(1) The Local Government may, either generally or specially for any notified area or areas, make rules consistent with this Act for carrying out all or any of the purposes thereof.

(2).In particular and without prejudice to the generality of the foregoing power such rules may provide for or regulate -- (i) the election and nomination of members of a Market Committee, and manner of election, the preparation and revision of lists of voters from time to time, and the payment of all expenditu in connection with or incidental to such election:

(ii) the election of the chairman of a Market Committee and term of his office;

(iii) the filling of casual vacancies in the office of chairman or member of a Market Committee;

(iv) the powers to be exercised by the Market Committee;

(v) the management of the Market and the prescribing of fees by the Market Committee and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue, by the Market Committee, of licenses to brokers, weighmen,measurers, surveyors, warehousemen, and other persons using the Market, the form in which, and on

conditions under which, such licenses shall be issued, and the fees to be charged for such licenses;

(vii) the place or places at which agricultural produce shall be weighed or measured, and the kind and descr..... of the scales, weights and measures to be used in the Market;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the Market;

(ix) the trade allowances which may be made or received by any person in any transaction in any agricultural produce in the Market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the Market, or their agents, including disputes regarding the quality or weight of the produce, the allowances for wrappings, dirt or impurities or deductions from any cause;

(xi) the prohibition of brokers from acting in any transaction on behalf of both the buyer and seller of a produce;

(xii) the provision of accommodation for storage of any agricultural produce brought into the market and charges to be levied for the same;

(xiii) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the Market Committee, and the grant of sanction to such plans and estimates;

(xiv) the form in which the accounts of a Market Committee shall be kept, the audit and publication of such accounts, and the charges, if any, to be made for such audit;

(xv) the preparation and submission for sanction of the annual budget and report and returns to be furnished by a Market Committee;

(xvi) the investment and disposal of any surplus funds of the Market Committee; and

(xvii) generally for the guidance of the Market Committee as may, from time to time, be considered necessary.

(3) Any such rules may, when necessary provide that any contravention thereof or of any of the conditions of any license issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to two hundred rupees

(4)(a) All rules made under this section shall be subject to previous publication (in the ---- Gazette and shall, when made, be laid on the table of the____ Legislative Council and Assembly for one month previous to being enforced. On above conditions being fulfilled, they shall have effect as if enacted under this Act.)

(b). Any rule shall, however, be liable to be rescinded or modified by a motion of the said Assembly, at its next session.

Bye-laws.

8. Subject to any rules made by the Local Government under the ~~last~~ preceding section and with the previous sanction of the [1] ____

[1] Collector, Deputy Commissioner or Magistrate as the case may be.

of the district, a Market Committee may, in respect of the Market under its management, make bye-laws for the regulation of the business and the conditions of trading therein and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

Market Committee Fund.

9.(1) All moneys received by a Market Committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus, remaining after such expenditure has been met, shall be invested or disposed off as may be prescribed in the rules made in this behalf.

(2) Every Market Committee shall pay to the Local Government, out of its fund, the cost of any special or additional staff employed by the Local Government, in consultation with the Committee, for giving effect to the provisions of this Act, in the Market concerned.

(3) The Local Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one Market Committee, apportion such cost among the Committees concerned in such manner as they think fit. The decision of the Local Government determining the amount payable by any Market Committee shall be final.

Purposes for which the Market Fund may be expended

10. Subject to the provisions of Section 9 the Market Committee Fund shall be expended for the following purposes only:-

(i) the acquisition of a site or sites for the market;

(ii) the maintenance and improvement of the Market;

(iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;

(iv) the provision and maintenance of standard weights and measures;

(v) the pay, pensions, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the market committee;

(vi) expenses of and incidental to elections;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned;

(ix) propaganda in favour of agricultural improvement and thrift.

No trade allowance permissible except as prescribed by rules, or bye-laws.

11. No trade allowance, other than an allowance prescribed by rules or bye-laws made

under this Act, shall be made or received in a notified area by any person in any transaction in respect of any agricultural crop or crops concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so prescribed.

Explanation.- Every deduction other than deductions on account of deviation from sample, or of deviation from standard, when the purchase is made by sample, or by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, thereof or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Power to borrow.

12. (1) Every market committee may, with the previous sanction of the Local Government, raise the money required for carrying out the purposes for which it is established on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The Committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Local Government,

(2) The conditions under which such money or loan shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Local Government.

Appointments and salaries of officers and servants of market committee.

13.(1) Subject to such rules as may be made by the Local Government in this behalf, a Market Committee may employ such officers and servants as may be necessary for the management of the market, may pay such officers and servants such salaries as it may think fit and shall have power to control and punish them. The Committee may also provide for the payment to its officers and servants, of such leave allowances, pensions, gratuities or compassionate allowances as it deems proper, and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(2) The Committee shall, in the case of any officer or servant of Government which it employes, pay Government such contribution towards pension and leave allowances of such officer or servant, as may be payable under the regulations in that behalf in force for the time being.

Execution of Contracts.

14.(1) Every contract entered into by the Market Committee shall be in writing and shall be signed on behalf of the Market Committee by the Chairman and two other members of the Committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a Market Committee.

No private market to be opened in or near places declared to be a Market under this Act.

15. Whenever the Local Government has, by a notification under Section 3, declared any place to be a Market for agricultural produce, no person shall, within the limits of such market within a distance thereof to be notified in the

Gazette in this behalf in each case by the Local Government, except with the sanction in writing of the Local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued, any market for the purpose of purchase and sale, on commercial scale, agricultural produce for which a Market has been declared under this Act.

Supersession of Market Committee.

16. (1) If, in the opinion of the Local Government, a Market Committee is not competent to perform, or persistently makes default in performing the duties imposed on it or by or under this Act, or exceeds or abuses its powers the Local Government may, by an order published in the ____ Gazette, declare such Committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

Provided that before issuing a notification under this sub-section, the Local Government shall give a reasonable opportunity to the Market Committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) Upon the publication of a notification under sub-section (1) superseding a Market Committee, the following consequences shall ensue:-

(a) all members as well as the chairman of the market committee shall, as from

the date of such publication, be deemed to have vacated their offices;

(b) the Local Government may, at their option, by order, either constitute a new committee under section 4, or make such arrangements for the carrying out of the functions of the committee as the Local Government may think fit; and

(c) all the assets vested in the committee shall, subject to all liabilities vest in the Local Government.

(3)(a) If the Local Government make an order under clause (b) of sub-section (2), they shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under Section or to the person or persons, if any, appointed for carrying out the functions of the committee, as the case may be.

(b) If the Local Government do make such an order, they shall transfer all the assets of the market committee which remain after the satisfaction of all its liabilities to the local body within whose jurisdiction the market is situated, or if there is more than one such local body, to each of such bodies in such preportion as the Local Government may determine.

(c) Any local body to which any assets have been transferred under clause (b) shall employ such assets for any object of public utility in the area within its jurisdiction.

Penalties.

17. Whoever, in contravention of this Act, sets up establishes, continues or allows to be

continued, any market for the purpose of purchase and sale of agricultural produce, or violates the conditions under which he has been allowed to set up, establish, or continue any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs.500/-, and, in case of a continuing breach of the provisions of Section 15, with fine which may extend to Rs.100/- for each day after the first during which the breach continues.

Trial of offences.

18.(1) No offence made punishable by this Act or any rule or bye-law made thereunder shall be tried by a Court inferior to that of a Presidency Magistrate or a Magistrate of the first class.

(2) All fines recovered from an offender shall be paid to the Market Committee.

(3) Prosecutions under this Act may be instituted by any person duly authorised in writing by the Market Committee in this behalf.

Delegation of powers.

19. With the previous sanction of the Local Government which may be accorded by general or special order, the % _____ of the district may, by an order in writing, delegate to any executive officer, not below the rank of a _____, all or any of his powers or duties under this Act or the rules framed thereunder.

% Collector, Deputy Commissioner or Magistrate as the case may be.

STATEMENT OF OBJECTS AND REASONS.

The Roval Commission on Agriculture in Indi came to the conclusion that the agriculturist did not get a fair price for his produce and recommended the establishment of regulated markets in order to overcome some of the evils which deprived him of such a price. The Commission, while reviewing cotton regulated in the Central Provinces state:- "Tricks of the trade such as the adulteration and mixing of produce are not practised only by the i n nor are they by any means confined to cotton. There is no measure more calculated to prevent them, in so far as they are due to the seller, than the establishment of properly regulated markets and the buyer is much more likely to obtain satisfactory quality in such markets than by any other method of purchase. We, therefore, recommend that the system of regulated markets should be extended to products other than cotton".

The Central Banking Enquiry Committee also stressed on the subject.

The Finlow Jute Enquiry Committee on this subject say as follows:-

"We have given our careful consideration to the question as to whether these regulated markets should be established under special provincial legislation, or whether the purpose would be equally well served by authorising the municipalities or other local bodies to set up such markets in their areas. We are of opinion that this matter should not be left to the local bodies, as in that case, apart from leaving the markets to be opened at the option of the various local authorities, it will also be difficult,

if not impossible, to ensure that the interests of the cultivators would always be properly safe-guarded".

"We are of opinion that these markets should be established and function under a uniform set of rules regulation under one central body established by legislation, and we, therefore, recommend that special legislation **** be passed at an early date'

The Marketing Officers' Conference held at Simla in September 1937 recommended that the legislation for the establishment of Regulated Markets, in provinces where it does not exist, should be brought to the notice of the Local Governments. The Governing Body of the Imperial Council of Agricultural Research adopted the above resolution.

Careful enquiries conducted by the Agricultural Marketing Adviser to the Government of India have brought to light startling facts, for instance, out of a rupees which the consumer pays for his wheat or rice the producer gets only 9½ annas. Similarly the grower of linseed gets about 60 per cent. while the grower of tobacco in Guntur gets only about 44 per cent. of the price paid for these commodities in the United Kingdom. The producer of ghee gets between 60 and 70 per cent. of the final price. The position as regards fruit is worse. The grower of grapes in Nasik gets less than half the price paid by the consumer in Bombay.

The producer of Kashmir apples has to be conten with only about 20 per cent. of what the consumer pays. For bananas and oranges 30 to 40 per cent. is about the most the producer can expect.

It is true that the producer cannot get the whole of the price paid by the consumer for the simple reason that cost of carriage and a fair return for the services of the middleman must necessarily be allowed for. But it is equally true that if the malpractices to which the producer is subjected and the numerous charges which are levied from him under one pretext or another are abolished or properly regulated according as circumstances seem to justify or permit appreciably higher prices can be secured for the producer.

The grower has no voice in the regulation of the various fees charged from him and notwithstanding the large amounts which he pays in the form of multifarious dues no amenities or comforts are provided for him in any of the markets of the province

Many of the dues having the sanction of usage have to be paid, generally, by the seller alone. These are-

(1) Arhat, that is, the commission payable to the arhati.

(2) Dalali, that is, the commission payable to the broker.

(3) Tulai, that is, the dues payable to the weighman.

(4) Rolai, that is, the dues payable to the man who roughly dresses the produce as it is put into the scale-pan.

(5) Charhai, that is, the dues payable to the man who fills the scale-pan.

(6) Otai, that is, the dues payable to the man who holds open the mouth of the bag.

(7) Munimi, that is, the dues payable to the arhati's scribe.

(8) Palledari, that is, the dues payable to porters.

Barring arhat and dalali which are payable in

cash other dues are payable in kind.

In addition to the above, small deductions in kind are also made on behalf of the sweeper, the chaukidar, the waterman, the arhati's cook and the beggars.

Some cash deductions, such as dharmada, gaushala and pathshala, are also made in the name of certain charities. The proceeds from these deductions are seldom applied to the objects for which they are ostensibly made. The bulk, if not the whole, of those proceeds become, in actual practice, the private property of the buyer.

Excess weight deliverable by the seller is also in vogue in most markets, a maund being conventionally taken to mean, say, forty-one seers.

Karda, a deduction in weight on the conventional plea of the existence of impurities, is also customary in many places.

Sometimes after a part of the produce has been weighed out the buyer notifies the seller of his refusal to purchase the balance at the rate settled between the parties on the unfair plea that it is inferior in quality to the commodity in the upper portions of the cart, this being a dishonest device to compel the seller to part with the balance at a lower price for reasons which can be easily understood.

Weights in use also present a bewildering variety of standard from place to place; A "seer", for instance, may be equal to 32, 80,85 or 102 tolas. This variety places the producer who is, in nine cases out of ten, innocent of a workable knowledge of arithmetic, at a serious disadvantage in the matter of checking the calculation of the buyer.

all or most of these abuses are found to flourish in each part of the province. The actual return which the agriculturist gets for his produce is further depressed as result of the use of inaccurate weights and scales. The report of the Punjab Banking Enquiry Committee summarises the results obtained by extensive investigations into this subject under the auspices of the Board of Enquiry. It is apparent from the summary contained in this report that 69 per cent. of the scales tested and 42 per cent. of the weights checked were found to be incorrect. Further, some of the shop-keepers are reported to keep two sets of scales and weights, one for buying and the other for selling

It is impossible to measure the havoc wrought by false weighing, but it is believed to range round five per cent.

The evils to which reference has been made above have a most disastrous effect on the economic condition of the producer.

Thus the main objects of the bill are:

(1) To regulate the scale of market charges with a view to bringing about a uniformity and a reduction and to have trade practices controlled by a Market Committee for each market where the cultivators will be well represented.

(2) To ensure that uniform scales and weights and measures are brought into use, thereby giving no chance for mal-practices arising out of several weights and measures prevailing in the country for weighing or measuring the same or different commodities.

(3) To improve the conditions under which agricultural produce is sold, by providing better shelter, water and sanitary arrangements for men, cattle and produce entering the market.

(4) To enable the collection and dissemination of reliable market prices to the cultivators.

and (5) Generally to ensure that the cultivator gets a reasonable share of the ultimate value of his produce.

Proceedings of the Government of His Highness the Maharaja of Mysore

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Read:

G.O. No.D.8744-84/A.&E.123-36-14 dated 25th June 1937 and G.O. No.D.4410-21 A.& E. 123-36-14 dated 17th December 1937 constituting a Sub Committee of the Board Industries and Commerce to investigate the problems of cultivation, etc. of cotton, groundnut and tobacco in the State and and specially in the Chitaldrug District.

Correspondence ending with letter No. Roc.652-Hc.211/36-37 dated 9th December 1937 from the Director of Agriculture submitting a note on the need for cotton legislation in the State.

Correspondence ending with unofficial note No.34/37-38 dated 21st April 1938 from the Director of Industries and Commerce submitting the proceedings of the meetings of the sub Committee referred to in the G.O's read above and stating that the recommendations of the sub committee were approved by the Board of Industries and Commerce at its meeting held on 17th March 1938.

Order No. D 20 38-50 / A+E 275-35-4

Dated, 20th Sept 38

In pursuance of a resolution moved in the L.C. by a non-official member, Mr. [redacted] Chandrasekharaiya, and accepted by Govt. in January 1937, a sub committee of the Board of Industries and Commerce was constituted for the purpose of studying problems relating

to the cultivation of cotton, groundnut and tobacco in the State and especially in the Chitaldrug District and suggesting ways and means of improving the cultivation and marketing of these crops.

The questions which the sub committee was called upon to examine may be briefly stated:

The bulk of the cotton grown in the State is in the Chitaldrug District, where, on the average, 80 to 90 thousand acres are under this crop every year. The attempts made by the Department of Agriculture to improve the local varieties of cotton have met with a certain measure of success and stimulated the demand for pure seed of the improved varieties, but it is felt that if the work that is being done should result in permanent benefit, the seed supply must be organised in a more thorough manner than at present. At the same time steps have to be taken to see that the crop raised from improved seed is marketed pure and free from admixture with inferior cottons. The question of ensuring to the cultivator a fair share of the price paid by the ultimate purchaser is one of special importance in the case of cotton.

These and similar questions relating to cotton and to a certain extent, to groundnut and other commercial crops have been under investigation by the Department of Industries and Commerce and the sub committee referred to in para 1 had the advantage of examining the material collected and the tentative

proposals made by these departments. Its own conclusions are embodied in the following resolutions:-

"(1) That this Sub Committee is of opinion that having regard to the trade conditions in commercial crops such as cotton, groundnut and tobacco and in order to prevent malpractices and secure fair dealings for growers, buyers and sellers alike, the time is ripe for the constitution of regulated markets at Chitaldrug and Danvangere, to begin with, and the draft bill framed for this purpose be recommended to the Board of Industries and Commerce for adoption and needful further action.

"(2) That this Sub Committee views with great concern the serious proportions that the cultivation of Bokda cotton has assumed and their reactions on the cotton trade and reputation of Mysore cotton and recommends that legislation providing for the prohibition of the cultivation of and the trading in inferior and undesirable varieties of cotto such as Bokda and admixing of such cotton with good cotton, is urgently called for.

"(3) That in view of certain disadvantage that might accrue to the growers and merchants alike, legislation regulating the transport of cotton be deferred but that in order to secure the objective in view, suitable provision restricting the transport of inferior varieties of cotton be made in the proposed "Cotton Cultivation Control Act".

"(4) That this Sub Committee recommends that the improvement of the cultivation of cotton and other commercial crops is mostl dependent on the distribution of adequate quantity of pure seeds required by the grc ers, three or four more co-operative Seed Growers' Associations should be started on the model of the Co-operative Society now working at Maradihalli.

"(5) That the Director of Agriculture b requested to take action to extend the cul tivation of tobacco in the Babbur area and also to arrange for experimental plots in and near Babbur area so that if the result of the experiments proved satisfactory, th Mysore Tobacco Company be moved to open a new centre in the Hiriyur area and constru a barn there.

"(6) That as regards the marketing of groundnut and tobacco, the Committee is of the opinion that no special legislation is necessary as the proposed "Agricultural Markets Act" is comprehensive providing fo the better marketing of all agricultural commodities including groundnut, cotton an tobacco".

The resolutions were endorsed by the Board of Industries and Commerce at its

meeting held on 17th March 1938.

Government generally approve of the recommendations contained in these resolutions and are taking action to introduce the necessary legislation. The Director of Agriculture is requested to submit detailed proposals for organising the seed supply of cotton and for extending tobacco cultivation as suggested in Resolutions 4 and 5 of the Sub Committee.

Government wish to convey their thanks to the members of the Sub Committee for having made a comprehensive survey of the matters referred to them and submitted practical recommendations.

/MW

Secretary to Government,
Development Deptt.

To

The Director of Agriculture,
The Director of Industries and Commerce
The Deputy Commissioner, Chitaldrug D
Other members of the Committee.

D. H. CHANDRASEKHARAIYA, B. A., LL. B.
ADVOCATE &
MEMBER, MYSORE LEGISLATIVE COUNCIL,
SCHOOL BOARD & DISTRICT BOARD.

D. 1482/12

5762/12

OFFICE OF THE SECRETARY
DAVANGERE.
Date 13/3/39.
14 MAR 1939
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

To,
The Secretary,
Legislative Council,
Bangalore

Dear Sir,

When the discussion on the Regulated Market Bill took place during the last session of the Legislative Council I suggested that the Representatives of the Traders Associations in Davangere and Chitaldrug might be sent for at the time of the meeting of the Select Committee on the said Bill and consulted. I once again request the Government

P.T.O

to accept my suggestion and invite the Presidents of the two Associations at Darwen and Chiselding respectively to the meeting of the Select Committee. If the Bill is passed with their approval it will be easy to bring it into force without encountering any organised opposition from any quarter. I hope the Government will be pleased to recognise the necessity and expediency of accepting my suggestion.

Awaiting your kind reply in the matter,

Yours sincerely

D. H. Chambers. Hon. Secys.

Mr. G.S.V.

Please put up
Copy of the speech
+ note from the
proceedings what
they have done.
Do we have a report
of the S.C.

[illegible]
1.1.39

To L.C. for kindly putting up a copy of the Kannada Speech
or the English translation. The copy of the speeches
sent to this Section contain only the English Speeches.

14.3.39 A copy of the speech as corrected by Mr. B.H.C. is put up. It may be
returned early, Proof by [illegible]

OFFICE OF THE SECRETARY
14 [illegible] 1939
REPR[illegible] - ASSEMBLY
LEGI[illegible] COUNCIL.

overnment of Sierra Leone the Chairman of Kyarre
General and Forests Secretariat.
PS0 83-61. [illegible], 16th March 1939.

[illegible]

[illegible] Chairman of the Select Committee appointed to consider the Native Agriculture Products Ordinance Bill 1939 and all Members of the last Session of Legislative Council within Sierra Leone, [illegible] I have the honour to be Sir, your most

[illegible]

24.3

Secretary to the Committee.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

D.O.No.R.5723-9 Dated Bangalore the 29th April 1939

Dear Sir,

I am desired to send herewith a copy of the report of the Select Committee on the Mysore Agricultural Produce Markets Bill and to request that the same may be returned with your approval at a very early date.

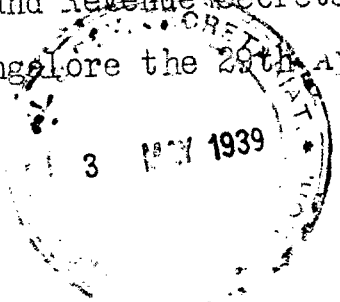
Yours sincerely,

29.4

Governme His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

D.C.No...5723-9 Dated Bangalore the 29th April 1939



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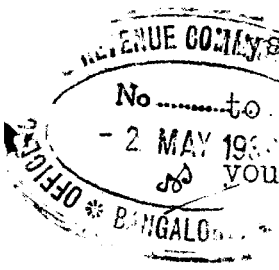


Yours sincerely,

S.Abdul Majid, Esq., B.A.,
Revenue Commissioner in Mysore,
Bangalore.

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honor to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.

The word 'Markets' may be substituted for the word 'Market'

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered

Clause 3(c) d.

As the definition of "Agricultural Produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> " Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises ~~it~~ arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) e

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'or cotton' may be omitted.

The words at the end of the Sub-clause "either for Agricultural Produce or for cotton or both" may be substituted by the expression " for any Agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipal if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in Section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (x).

"(x) with the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "sacking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

"20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be re ublished.

1.5.34

M. L. Nagabhushetty, M.L.C
1/o MYSORE LACHIA SETTY & SONS,
COFFEE & RUBBER PLANTERS,
CHIKMAGALUR.

BRANCH: MANGALORE.

ಮೈಸೂರು ಲಚ್ಚೈಯ್ಯ ಶೆಟ್ಟ್ಯ ಅಂಡ್ ಸನ್ಸ್,
ಚಿಕ್ಕಮಗಳೂರು.

TELEGRAMS:
LACHIASETTY — CHIKMAGALUR.
BEVERAGE — MANGALORE.
CODE USED:
BENTLEY'S COMPLETE PHRASE CODE.

90

Chikmagalur, 30.5.39.

Sundaraja Rao Esqr
Secretary.
Select Committee
Mysore Agricultural Produce.
Markets Bill
Bangalore

Dear Sir

I am in receipt of your D.O. No. P.5723-9 asking me to send back together with the draft Report - which I approve and return herewith

Yours Sincerely
M.L. Nagabhushetty

[illegible] AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the [illegible]ore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it occurs in the Bill.

Clause 1.

The word 'Markets' may be substituted for the word 'M[illegible]

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renum[illegible]

Clause 3(c) a.

As the definition of "Agricultural Produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> "Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises it arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) e

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'or cotton' may be omitted.

The words at the end of the sub-clause "either for agricultural produce or for cotton or both" may be substituted by the expression " for any agricultural produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may usefully be recast as follows.-

"If there, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by each of the bodies or groups of individuals referred to in section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 11.

We recommend the addition of the following sub-clause as (3).

"(3) Nothing in the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 14.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "cooking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 21.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 21.

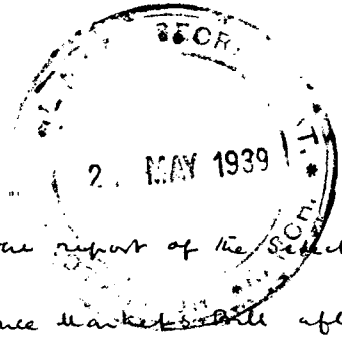
"21: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be re-published.

Approved
[illegible]
30.6.39

M. C. LINGE GOWDA, M.L.C.,
MADDUR.

1.5.1939



Dear Sir,

I herewith Enclose the report of the Select committee on the Mysore Agl. Produce Market Bill after approving and Signing the same.

Yours sincerely
M C Linge Gowda

The Secretary
Mysore Legislative Council
Bangalore

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.

The word "Markets' may be substituted for the word 'Market'.

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered.

Clause 3(c) d.

As the definition of "Agricultural Produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> " Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises ~~it~~ arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) e

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'or cotton' may be omitted.

The words at the end of the Sub-clause "either for Agricultural Produce or for cotton or both" may be substituted by the expression " for any Agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipali if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in Section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is alrea covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (X).

"(Y) Wit' the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "sacking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

"20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be re-published.

Approved.
M.V. Shringe Gowda
Member, Select Committee

DEPARTMENT OF CO-OPERATION

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
IN MYSORE.

D. O. No. 893 Ec-Ar. Dated Bangalore, 4th May 1939.

Dear Sir,

I return herewith duly approved the copy of the report of the select committee on the Mysore Agricultural Produce Markets Bill sent with your letter No. D.O. No.P.5723-9 dated 29th April 1939.

Yours sincerely,

Registrar

To

A. Sundararaja Rao Esq., B.A.,B.L.,
Secretary to Government of His
Highness the Maharaja of Mysore,
Representative Assembly and
Legislative Council Section,
Bangalore.

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the hono to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.

The word 'Markets' may be substituted for the word 'Market'

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered Clause 3(c) d.

As the definition of "Agricultural Produce' includes all produce of animals, and their hides, skins and wool, we recomme that the word 'Producer' may be substituted for the word 'growe and the whole sub-clause recast as follows:-

> " Producer" means a person who grows, manufactures, rear or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produ even though he may also be producing it. If a question arises ~~it~~ arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) e

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'or cotton may be omitted.

Clause 3(b)

The word "cricket" may be substituted for the word "game" throughout.

Clause 3(b)

The definition of "petrol" may be omitted in view of what has been stated above and the sub-clause renumbered accordingly.

Clause 3(c) & (d)

As the definition of "agricultural produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word "produce" may be substituted for the word "agricultural produce" and the whole sub-clause redrafted as follows:

"produce" means and includes any produce, manufactures, results or products, as the case may be, agricultural products, but shall not include articles or objects in such products even though they may also be products. It also includes any article, thing or substance which is a product or not primarily resides shall be final.

Clause 3(e)

Commissioner of the district in which the person permanently resides shall be final.

Clause 3(f)

The word "occupation" does not occur anywhere in the Bill.

Clause 4.

In the marginal note to this clause, the word "Agricultural" before "produce" may be omitted.

Clause 4(1)

The definition may be omitted.

Clause 4(2)

Before the several clauses of the said Rule the following may be inserted, namely:-

"Provided that nothing in these rules shall apply to

The words at the end of the Sub-clause "either for Agricultural Produce or for cotton or both" may be substituted by the expression " for any Agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in Section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (X).

"(X) with the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "sacking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all propert that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committe shall be used by the Government for any object of publi utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.

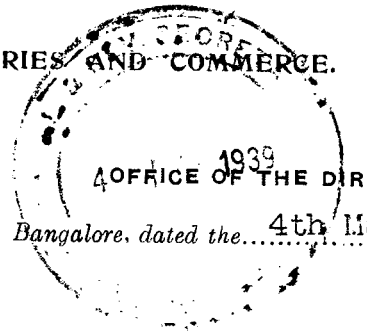
We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

"20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be republished.

Tels.—"INDUSCOM."

DEPARTMENT OF INDUSTRIES AND COMMERCE.



Mr. M. S. Ramchendra Rao, B.A.,

D.O. No. A1/38.39/Enc1

Bangalore, dated the 4th May *193*9

28/4/5

Dear Mr. Sundararaja Rao,

I am returning herewith approved the copy of the report of the Select Committee on the Agricultural Produce Markets Bill received with your letter No. P.5723-9 dated 29th April 1939.

Yours sincerely,

M. Ramchendra Rao

A. Sundararaja Rao, Esq., B.A., B.L.,
Secretary,
Representative Assembly & Legislative Council,
Public Offices, Bangalore.

SRS.

[illegible] AGRICULTURAL PRODUCE MARKETS BILL.

[illegible] REPORT.

We the members of the Select Committee to which the [illegible]grove Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it occurs in the Bill.

Clause 2.

The word "Market" may be substituted for the word 'Market' Clause 3(b).

The definition of "Cotton" may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered Clause 2(a) &.

As the definition of "Agricultural Produce" includes all Produce of animals, and their hides, skins and wool, we recommend that the word "producer" may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> "Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises as arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) &

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(2)

In the marginal note to this clause, the words "[illegible]" may be omitted.

The words at the end of the sub-clause "either for agricultural produce or for cotton or both" may be substituted by the expression " for any agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the first para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 8(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (3).

"( ) with the previous sanction of the Govt."

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "packing" and the word "thereof" be added after the wordr "standard weight".

Clause 16 and proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 21.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee on an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 22.

"21: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be republished.

Approved
Dharamchand
Dy. Secretary
3.5.39

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honor to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.

The word 'Markets' may be substituted for the word 'Market'

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered.

Clause 3(c) d.

As the definition of "Agricultural Produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> " Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises it arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) e

As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'o[illegible] may be omitted.

The words at the end of the Sub-clause "either for Agricultural Produce or for cotton or both" may be substituted by the expression " for any Agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

"Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in Section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as (X).

"(X) with the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "sacking" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

"20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be re-published.

A Rahman
H Rowan
11.1.29

D. S. CHANDRASEKHARAIYA, B. A., LL. B.
ADVOCATE &
MEMBER, MYSORE LEGISLATIVE COUNCIL,
SCHOOL BOARD & DISTRICT BOARD.

DAVANGERE.

Date 10/5/39

To

The Secretary,
Legislative Council,
Bangalore

Dear Sir,

I am in receipt of the Report of the Select Committee on the Mysore Agriculture Produce Market Bill having signed it I am subject to a small note I send herewith

Yours sincerely

D. S. Chandrasekharaiya

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honour to submit the following report:-

As cotton is included in the expression "Agricultural Produce" there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.

The word 'Markets' may be substituted for the word 'Market'.

Clause 3(b).

The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered.

Clause 3(c) & (d).

As the definition of "Agricultural Produce" includes all produce of animals, and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows:-

> "Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce, even though he may also be producing it. If a question arises ~~it~~ arises whether any person is a producer or not for the purposes of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3(d) &

As the expression 'local body' does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1)

In the marginal note to this clause, the words 'or cotton' may be omitted.

The words at the end of the sub-clause "either for agricultural produce or for cotton or both" may be substituted by the expression " for any agricultural Produce" in view of the omission of any specific reference to cotton.

Clause 5.

We consider that the third sentence of this clause may advantageously be recast as follows.-

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed".

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the'.

Clause 6(2)(i)

The words "by such of the bodies or groups of individuals referred to in section 5" occuring in this sub-clause may be omitted as unnecessary.

Clause 6(2)(iii).

The words "nomination or" may be added between the words "the" and "election" at the beginning of this sub-clause.

Clause 6(4).

Sub clause (b) is unnecessary as the provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.

We recommend the addition of the following sub-clause as ( ).

"( ) with the previous sanction of the Government any

other purpose which is calculated to promote the general interest of the market".

Clause 13.

In the marginal note omit the words 'customs or'.

Explanation.

To make the explanation more comprehensive we recommend that the words "or other container" be added after the word "packing" and the word "thereof" be added after the words "standard weight".

Clause 16 2nd proviso.

Since we consider that when no new Market Committee is constituted, the property remaining after satisfaction of the debts and liabilities of a superceded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.-

"Provided further that if no new Market Committee is constituted for the market under Section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superceded Market Committee shall be used by the Government for any object of public utility in the notified area".

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 25.

We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 29.

"29: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue".

As the Bill has not been materially altered we recommend that it need not be republished.

(subject however to our remarks)

A Note of Dissent

In signing the Report I have to differ from the other members of the committee in respect of two points. First, if a question arises whether any person is a producer or not for the purposes of this act the decision of the departmental Commissioners of the district concerned should not be final. In my opinion it is necessary to provide for an appeal to the Government against such a decision. Secondly, I consider that the constitution of the market Committee for representation given to the traders is too indefinite and inadequate. It would be entirely just and equitable to treat them on a par with the producers.

D. H. Chandra Kumaravel

NOTIFICATION.

No. 2167—*L. C., Bangalore, dated* 13*th May* 1939.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Agricultural Produce Markets Bill, together with a note by Mr. D. H. Chandrasekharaiya, is published for general information.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

MYSORE AGRICULTURAL PRODUCE MARKETS BILL.

Select Committee Report.

We, the members of the Select Committee to which the Mysore Agricultural Produce Markets Bill was referred, have considered the several clauses of the Bill and have the honor to submit the following report :—

As cotton is included in the expression "Agricultural Produce," there is no need to mention it specifically along with the expression "Agricultural Produce" and it may be omitted wherever it so occurs in the Bill.

Clause 1.—The word 'Markets' may be substituted for the word 'Market.'

Clause 3 (*b*).—The definition of 'Cotton' may be omitted in view of what has been stated above and the subsequent sub-clauses renumbered.

Clause 3 [*d*] (*c*).—As the definition of "Agricultural Produce" includes all produce of animals and their hides, skins and wool, we recommend that the word 'Producer' may be substituted for the word 'grower' and the whole sub-clause recast as follows :—

> "Producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises whether any person is a producer or not for the purpose of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final.

Clause 3 [*e*] (*d*).—As the expression "local body" does not occur anywhere in the Bill, the definition may be omitted.

Clause 4(1).—In the marginal note to this clause, the words 'or cotton' may be omitted.

The words at the end of the sub-clause "either for agricultural produce or for cotton or both" may be substituted by the expression "for any agricultural produce" in view of the omission of any specific reference to cotton.

Clause 5.—We consider that the third sentence of this clause may advantageously be recast as follows.—

> "Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed."

In line 3 in the 2nd para of clause 5, the word 'such' may be substituted by the word 'the.'

Clause 6(2) (i).—The words "by such of the bodies or groups of individuals referred to in Section 5', occurring in this sub-clause may be omitted as unnecessary.

Clause (6) (2) (iii).—The words "nomination or" may be added between the words "the" and "election" at this beginning of this sub-clause.

Clause 6(4).—Sub-clause (b) is unnecessary as this provision is already covered by the General Clauses Act and may therefore be omitted and clause 4(a) renumbered as clause 4.

Clause 12.—We recommend the addition of the following sub-clause as (x).

> "(x) with the previous sanction of the Government any other purpose which is calculated to promote the general interest of the market."

Clause 13.—In the marginal note omit the words 'customs or.'

Explanation.—To make the explanation more comprehensive we recommend that the words " or other container " be added after the word " sacking " and the word " thereof " be added after the words " standard weight."

Clause 16, *2nd proviso.*—Since we consider that when no new Market Committee is constituted, the property remaining after the satisfaction of the debts and liabilities of a superseded market should be administered by the Government for objects of public utility, we recommend that this proviso may be recast as follows.—

> " Provided further that if no new Market Committee is constituted for the market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded Market Committee shall be used by the Government for any object of public utility in the notified area."

The last paragraph of this clause may be omitted as it is unnecessary.

Clause 20.—We consider it desirable to have an additional clause empowering the Government to recover dues from a Market Committee as an arrear of land revenue and accordingly recommend that the following clause may be added to the Bill as clause 20.

> "20: All sums due from a Market Committee to the Government may be recovered in the same manner as arrears of land revenue."

As the Bill has not been materially altered, we recommend that it need not be republished.

N. MADHAVA RAU
(*Chairman*),
S. ABDUL WAJID,
M. S. RAMCHENDRA RAO,
M. ABDUL HUKH,
J. MAHOMED IMAM,
M. L. NAGAPPA SETTY,
M. C. LINGE GOWDA,
D. H. CHANDRASEKHARAIYA (Subject to a note).

Mr. T. G. Rama Iyer and Mr. B. R. Puttananjappa were unable to attend this meeting.

Note of Dissent by Mr. D. H. Chandrasekharaiya.

In signing the report I have to differ from the other members of the Committee in respect of two points. First, if a question arises whether any person is a producer or not for the purposes of this Act, the decision of the Deputy Commissioner of the district concerned should not be final. In my opinion it is necessary to provide for an appeal to the Government against such a decision. Secondly, I consider that in constituting the Market Committee, the representation given to the traders is too indefinite and inadequate. It would be entirely just and equitable to treat them on a par with the producers.

Printed by the Superintendent at the Government Press, Bangalore.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Levi
File No. 7-39
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P 209

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....191 .

Ordered that the accompanying..... Act to provide for the establishment and the better Regulation of Agricultural Produce Markets in Mysore which received the assent of His Highness the Maharaja, on the.....third day of.....July 1939, be published as ~~Regulation~~ Act No.....XVI of 1939, in the *Mysore Gazette* for general information.

Date of issue.....12/7/39

Signed by.....Mr. C.S.A.

Secretary to Government.
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare copies as per standing order

Copy to Translation Section.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Order No. P209 Lgs 7-35-1

Dated Bangalore the 19th July 1939.

Ordered that the accompanying Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore which received the assent of His Highness the Maharaja, on the Third day of July 1939, be published as Act XVI of 1939, in the Mysore Gazette for general information.

For Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per Standing Orders. 4 clean proofs should be sent to this office for approval by 2 P.M. tomorrow.

cn-3

ACT No. XVI OF 1939.

An Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore.

(Received the assent of His Highness the Maharaja on the third day of July 1939.)

Price: 0-1-0.

NOTIFICATION.

Order No. P. 209—Legis. 7-39-1, dated Bangalore, the 12th July 1939.

Ordered that the accompanying Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as Act No XVI of 1939, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XVI OF 1939.

An Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore.

(Received the assent of His Highness the Maharaja on the third day of July 1939.)

WHEREAS it is expedient to provide for the establishment of open markets for the purchase and sale of agricultural produce in the State and for the better regulation of such markets : It is hereby enacted as follows :— Preamble.

1. This Act may be called the Mysore Agricultural Produce Markets Act, 1939. Short title.

2. (1) It extends to the whole of Mysore. Extent and commencement.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

3. In this Act, unless there is anything repugnant in the subject or context :— Definitions.

(*a*) " agricultural produce " means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act;

(*b*) "market" means a market established under section 4;

(*e*) "producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises whether any person is a producer or not for the purposes of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final;

(*c*) "notified area" means an area notified under section 4;

(*d*) "prescribed" means prescribed by the rules or the bye-laws under this Act;

Notification regarding the establishment of an agricultural produce market.

4. (1) The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act for any agricultural produce.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

The market committee.

5. For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in the notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. (1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate :—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the term of office of such members;

(ii) the powers to be exercised by the market committee;

(iii) the nomination or election of the chairman of such committee and his term of office;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall be issued, and the fees to be charged for such licences;

(vii) the place or places at which agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any tuse;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market;

(xiii) the provision of storage arrangements for agricultural produce brought into the market and charges to be levied for the same;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit;

(xvi) the preparation of an annual budget and its submission for sanction, and reports and returns which shall be furnished by the market committee;

(xvii) the disposal of any surplus funds of the market committee;

(xviii) generally for the guidance of the market committee.

(2) Any such rules, may, when necessary, provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall, on conviction by a

magistrate, be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be subject to previous publication.

Bye-laws.

7. Subject to any rules made by the Government under the last preceding section and with the previous sanction of such officer as may be appointed by the Government in this behalf, the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend of fifty rupees.

Sub-committees and joint committees and delegation of powers.

8. The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

Appointments and salaries of servants of the market committee.

(9) (1) Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them. The committee may, in the case of any officer or servant of the Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the Regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

Contracts how executed.

10. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed a provided in sub-section (1) shall be binding on a marke committee.

The Market Committee Fund.

11. (1) All monies received by a market committe shall be paid into a fund to be called the "Market Com mittee Fund" and all expenditure incurred by the marke committee under or for the purposes of this Act shall b defrayed out of the said Fund, and any surplus remainin after such expenditure has been met shall be invested a may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to th Government out of its Fund, the cost of any special o additional staff employed by the Government, in consulta tion with the committee, for giving effect to provision of this Act, in the market concerned.

(3) The Government shall determine the cost o such special or additional staff and shall, where the staf is employed for the purposes of more than one marke committee, apportion such cost among the committees concerned in such manner as they think fit. The decisio of the Government determining the amount payable by any market committee shall be final.

Purpose for which the market Committee Fund may be expended.

12. Subject to the provisions of section 11, th Market Committee Fund shall be expended for th following purposes only :-

(i) the maintenance and improvement of the market ;

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it ;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee ;

(iv) the expenses of and incidental to election ;

(v) the acquisition of a site or sites for the market

(vi) the provision and maintenance of standard weights and measures ;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans ;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned;

(ix) propaganda in favour of agricultural improvement and thrift; and

(x) with the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market.

No trade charges permissible except as prescribed by rules or bye-laws.

13. No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in the market established under this Act and no civil court shall in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual weight of the sacking or other container and the standard weight thereof, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Market committee to be a body corporate.

14. Every market committee shall be a body corporate by the name of the "The Market Committee of....."and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purposes for which it is established.

Power to borrow.

15. (1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on

lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Government.

Supression of market committee.

16. (1) If in the opinion of the Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, the Government may, by an order published in the official Gazette, declare such market committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded, the Government may, at its discretion, by order, either constitute a new committee under section 5, or make such arrangements for the carrying out of the functions of the committee as the Government thinks fit.

(4) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in the Government :

Provided that if the Government makes an order under sub-section 3, it shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be :

Provided further that if no new market committee is constituted for the market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall be used by the Government for any object of public utility in the notified area.

No private market to be opened in or near places declared to be markets.

17. Wherever the Government has, by a notification under section 4, declared any place to be a market, no person shall, within the limits of such market or within a distance thereof to be notified in the official Gazette in this behalf in each case by the Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to the Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of agricultural produce.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of agricultural produce if he sells his own agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of agricultural produce.

Penalties

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of agricultural produce or violates the conditions under which he has been allowed to set up, establish or continue any such market, shall on conviction by a magistrate be punished with fine which may extend to rupees five hundred and in case of a continuing breach of the provisions of section 17, with fine which may extend to rupees one hundred for each day after the first, during which the breach continues.

Offiences to be triable only by a first class magistrate.

19. (i) No offence under this Act or under any rules made under section 6 or under any bye-laws made under section 7 shall be triable by a magistrate other than a magistrate of the first class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecution under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by the Government in this behalf.

Recovery of sum due to Government from market committee.

20. All sums due from a market committee to the Government may be recovered in the same manner as arrears of land revenue.

MIRZA M. ISMAIL,

Dewan.

Printed by the Superintendent at the Government Press, Bangalore.

Proof for A. C.

731

13.7.39

NOTIFICATION.

Order No. P. 209, Legis. 7-39-1, dated Bangalore, the 12th July 1939.

Ordered that the accompanying Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore which received the assent of His Highness the Maharaja on the third day of July 1939, be published as Act XVI of 1939, in the *Mysore Gazette* for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XVI OF 1939.

An Act to provide for the establishment and the better regulation of Agricultural Produce Markets in Mysore.

(*Received the assent of His Highness the Maharaja on the third day of July 1939.*)

Preamble. Whereas it is expedient to provide for the establishment of open markets for the purchase and sale of agricultural produce in the State and for the better regulation of such markets: It is hereby enacted as follows.—

Short Title. 1. This Act may be called the Mysore Agricultural Produce Markets Act, 1939.

Extent and Commencement. 2. It extends to thewhole of Mysore. It shall come into force on such dateas the Government may, by notification in the official Gazette, appoint.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Agricultural Produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or dirnk wholly or partially manufactured from agricultural produce and declared by the Government of